

**TITLE 18 ENVIRONMENTAL CONSERVATION,
CHAPTER 52 Emissions Inspection and Maintenance Requirements**

18 AAC 52 Article 1. Emissions Inspection and Maintenance Requirements

18 AAC 52.005. APPLICABILITY AND GENERAL REQUIREMENTS.

(a) Subject to the other provisions of this section, including the exemptions set out in (f) of this section, the maintenance requirements of 18 AAC 52.015(a) apply to

(1) a motorist; and

(2) a person engaged in the business of maintaining, repairing, or otherwise servicing emissions control systems.

(b) The requirements of (c) of this section apply to

(1) a motorist who resides in an I/M area identified in (g) of this section;

(2) a motorist whose motor vehicle is principally located or operated in an I/M area;

(3) a motorist who commutes into the Municipality of Anchorage; and

(4) a motorist described in (1)-(3) of this subsection whose motor vehicle is located on a public right-of-way, public land, or on commercial premises such as a parking lot that is open to the public.

(c) In addition to the requirements of (a) of this section,

(1) a motorist described in (b) of this section shall

(A) have that motorist's motor vehicle inspected every two years as required by this chapter unless waived under 18 AAC 52.060;

(B) keep the current certificate of inspection in the vehicle at all times, except that a fleet operator may keep the certificate on file for department inspection;

(C) comply with the maintenance practices for the motor vehicle emissions control system to reduce air pollution required by 18 AAC 52.015(b) and any additional emissions-related maintenance practices recommended by the manufacturer; and

(D) have the emission-related vehicle repairs required by 18 AAC 52.065 performed and, if the repairs are to be applied to the repair cost minimum, ensure

that the repairs are made by a certified mechanic;

(2) a motorist described in (b)(1) of this section and a motorist described in (b)(2) who resides in an I/M area, shall

(A) obtain a certificate of inspection by having the vehicle inspected within 90 days before registration is due under AS 28.10.108 and every two years thereafter; and

(B) present the certificate of inspection obtained under (A) of this paragraph to the division of motor vehicles before the motorist may register the vehicle;

(3) a motorist described in (b)(3) of this section, and a motorist described in (b)(2) who commutes into the Municipality of Anchorage, shall have the vehicle inspected before commuting into the Municipality of Anchorage and every two years thereafter.

(d) Except for a vehicle described in (f) of this section, the owner or lessee of a vehicle registered in another state shall obtain a valid certificate of inspection within 30 days after

(1) a change in the owner's or lessee's residence from a non-I/M area to an I/M area;

(2) the vehicle begins to be principally located or operated in an I/M area; or

(3) the owner or lessee is issued a citation for failing to have a certificate of inspection in the vehicle.

(e) In addition to the requirements of (a) - (d) of this section, this chapter

(1) governs an I/M program established by an implementing agency and requires the implementing agency to conduct that program in accordance with this chapter and the *Alaska I/M Program Manual* (program manual) dated November 26, 1996, which is adopted by reference;

(2) requires a person engaged in the business of maintaining, repairing, or otherwise servicing vehicle emissions control systems in an I/M area to conduct business in accordance with this chapter, including, when applicable,

(A) meeting the certification requirements for

(i) mechanics set out in 18 AAC 52.400; and

(ii) stations set out in 18 AAC 52.415; and

(B) using the inspection and repair procedures required by this chapter, including the procedures set out in the program manual; and

(3) requires a department, agency, or instrumentality of the federal government with jurisdiction over a property or facility within an I/M area, before a vehicle is allowed to operate on that property or facility, to

(A) require employees or contractors who operate a vehicle on the property or facility to furnish proof of compliance with this chapter; for purposes of this subparagraph, proof of compliance may be

(i) a valid certificate of inspection for the vehicle;

(ii) proof of vehicle registration in the I/M area; or

(iii) another method approved by the implementing agency; and

(B) obtain a valid certificate of inspection for each motor vehicle owned or leased by the federal government and located or operated on the property or facility, unless the implementing agency, in its discretion, allows the use of an alternate method of compliance with this subparagraph.

(f) The I/M requirements of this chapter do not apply to

(1) a 1967 or older motor vehicle;

(2) a new vehicle until the current calendar year equals the vehicle model year plus two;

(3) a gasoline-powered motor vehicle that has an unladen weight of 12,001 pounds or heavier;

(4) a test vehicle for which the department has issued a written exemption;

(5) a military tactical vehicle such as a tank;

(6) a motorcycle, golf cart, all-terrain vehicle, snow machine, and motor-driven cycle (moped);

(7) a motor vehicle that has been or will be in Alaska for less than 30 days; or

(8) an electric vehicle.

(g) For purposes of this chapter, each of the following is an I/M area:

(1) the Municipality of Anchorage; and

(2) the Fairbanks North Star Borough;

(h) The department will administer an I/M program that applies to motorists who commute into the Municipality of Anchorage, as provided in 18 AAC 52.030.

Editor's note - As provided in AS 45.45.400(a), certain requirements of this chapter extend to a person engaged in the business of selling used vehicles. The program manual adopted by reference in this section may be reviewed at or obtained from the implementing agency or the department's Anchorage, Fairbanks, or Juneau office.

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.010. I/M PROGRAM ADMINISTRATION OFFICE.

There is created within the department's air quality improvement section, a department office responsible for administration and enforcement of all aspects of the I/M program (I/M office). The I/M office will

- (1) administer and enforce the requirements of this chapter, including ensuring that the requirements of this chapter are followed under each I/M program implemented or administered under this chapter;
- (2) evaluate, and approve or disapprove I/M program plans submitted under 18AAC 52.035;
- (3) accept complaints from the public against certified mechanics or stations;
- (4) investigate and gather evidence regarding suspected violations of this chapter;
- (5) suggest measures to resolve disputes between motorists and certified mechanics or stations;
- (6) approve referrals to the referee facility described in 18 AAC 52.070;
- (7) keep, as a public record, a list of the
 - (A) names and addresses of all certified mechanics and stations; and
 - (B) manufacturers of equipment certified for use under this chapter;
- (8) provide materials to assist the public in understanding and complying with the requirements of this chapter;
- (9) send each certified station that is subject to a department-administered I/M program, a newsletter describing recently adopted ordinances, procedure changes, suspension or revocation hearings, and any other information that the program administrator determines will benefit the I/M program;
- (10) routinely evaluate the effectiveness of each I/M program created under this chapter through

the analysis of data obtained from certified stations and from special studies;

(11) submit an annual report to the governor on the status and effectiveness of the statewide I/M program; the I/M office will have a copy of this report available at the I/M office for public review; and

(12) prepare quarterly and annual reports for a department-administered I/M program; the reports must be prepared by each date set out in 18 AAC 52.037(a) and must fulfill the requirements of 18 AAC 52.037(b)(1)-(5).

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18 AAC 52.015. MOTOR VEHICLE MAINTENANCE REQUIREMENTS.

(a) A motorist and a person engaged in the business of maintaining, repairing, or otherwise servicing vehicle emissions control systems shall

(1) ensure that emissions, excluding condensed water vapor, from a

(A) gasoline-powered motor vehicle are not visible for more than any five consecutive seconds;

(B) diesel-powered motor vehicle do not result in a reduction of visibility of greater than 40 percent through the exhaust effluent for more than any five consecutive seconds;

(2) ensure that emissions-related adjustments are made as specified by the vehicle manufacturer;

(3) ensure that emissions-related parts are properly installed and functioning according to the manufacturer's specifications;

(4) not make nor allow to be made any unauthorized modification to the engine or emissions control system; and

(5) use, or place, only unleaded gasoline in a vehicle designed for the exclusive use of unleaded gasoline.

(b) In addition to the requirements of (a) of this section, a motorist described in 18 AAC 52.005(b) shall ensure that an emissions-related repair is made, and that the repair is performed by a mechanic certified under this chapter if the motorist wants to apply that repair to the repair cost minimum.

(c) In addition to the other applicable requirements of this chapter, a mechanic certified under this chapter who repairs a vehicle that has failed an I/M inspection shall use repair procedures

issued by the

- (1) implementing agency and approved by the department; or
- (2) department, if it administers the I/M program; the applicable procedures under this paragraph are set out in Part IV of the program manual.

(d) A motorist may request that a vehicle failing an emissions inspection (I/M test) at a certified station be inspected, at no cost, at a referee facility for verification and documentation of the inspection failure, if the vehicle is covered by a manufacturer's emissions warranty as provided in 42 U.S.C. 7541(a) and (b) (Clean Air Act, sections 207(a) and (b)). The motorist may return to the referee facility for a free verification that I/M-related repairs were properly made.

(e) An engine change made before July 1, 1985, is not considered tampering for purposes of this chapter. The motorist shall provide conclusive proof that the engine change took place before July 1, 1985. If the engine is removed from such a vehicle, only an engine approved under 18AAC 52.050(i) for the vehicle may be reinstalled, with all applicable emissions control systems, and the removed engine may not be reinstalled. An engine change made after June 30, 1985 is considered tampering for purposes of this chapter unless the change is in accordance with the provisions of this chapter.

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18 AAC 52.020. CERTIFICATE OF INSPECTION REQUIREMENTS.

- (a) A certificate of inspection required under this chapter may be issued only by the implementing agency, its referee facility, or a station certified under 18 AAC 52.415.
- (b) A motorist described in 18 AAC 52.005(b)(1) or (b)(2) shall obtain and renew a certificate of inspection as required by 18 AAC 52.005(c)(2). A motorist described in 18 AAC 52.005(b)(2) who commutes into the Municipality of Anchorage and a motorist described in 18 AAC 52.005(b)(3) shall obtain and renew a certificate as required by 18 AAC 52.005(c)(3).
- (c) A person, including a person in military service, who temporarily resides in Alaska for more than 30 days and who owns or leases a vehicle that is principally located or operated in an I/M area, shall obtain a valid certificate of inspection for that vehicle, even if the vehicle is not required to be registered in Alaska. A temporary resident shall obtain the certificate of inspection within 30 days after entering the state.
- (d) The implementing agency shall sell blank certificates of inspection to a certified station in lots of 25. Each certificate must contain a unique serial number and the implementing agency shall record the serial numbers of certificates sold to each station. Certificates must be printed using paper, color, and patterns that minimize the risk of forgery. The design, and any change to the design, must be approved by the department. If the design or color of a certificate of

inspection is changed, certified stations may exchange unused certificates for new certificates at no charge, or the implementing agency shall refund fees paid for the replaced certificates.

(e) If the department administers an I/M program under 18AAC 52.030, it will charge a \$20 fee for a certificate of inspection. If a department-administered I/M program, such as a program described in 18ACC 52.005(h), is associated with an I/M program administered by an implementing agency, the department will charge the same fee as that charged by the implementing agency if that fee is lower than the fee set in this subsection.. Nothing in this subsection prohibits an implementing agency other than the department from imposing a higher or lower fee.

(f) If a certificate of inspection is lost, destroyed, or mutilated, the person to whom it was issued may obtain a duplicate from the implementing agency after furnishing satisfactory proof of the loss, destruction, or mutilation. If the department administers an I/M program under 18 AAC 52.030, it will impose a \$20 fee for a duplicate certificate. If, after obtaining a duplicate, the person finds the original, that person shall return the original to the implementing agency.

(g) If a certificate cannot be used to register a vehicle because of an act or omission of a certificate mechanic or station, or because of a problem with the test analyzer system, the station shall retest the vehicle at no charge and issue another certificate. If the certificate cannot be used because of an act or omission of the motorist, the motorist shall obtain another certificate and pay the additional fee. If a second certificate is issued under this subsection, the station shall collect the original certificate, note on the face of the certificate the reason for its replacement, and return it to the implementing agency for a refund.

(h) Unless the requirements of this subsection would cause a motor vehicle to be inspected more than once every two years, a motor vehicle dealer may use a certificate of inspection that was issued within the previous 12 months to register a used motor vehicle if the

(1) dealer registers the vehicle in the purchaser's name; and

(2) certificate was issued while the vehicle was held in the dealer's inventory for sale.

(i) After a used vehicle is registered under (h)(1) of this section, the certificate of inspection may not be used to register the vehicle again or to renew vehicle registration.

(j) A certificate of inspection also serves as an "emissions inspection and maintenance certificate" and as an "emission inspection certificate" when ownership of a motor vehicle is transferred under AS 28.10.271(d).

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.025. VISUAL IDENTIFICATION OF CERTIFICATE OF INSPECTION

(a) The implementing agency may require a visual identification of a valid certificate of inspection. If an implementing agency requires a visual identification, the visual identification.

(1) must be easy to observe from outside a vehicle, such as a windshield sticker or a license plate tab that indicates compliance with inspection requirements;

(2) must be of a quality that is difficult to counterfeit, difficult to remove without destroying it, and durable enough to last until the next inspection without fading, peeling, or otherwise deteriorating;

(3) must

(A) be affixed on a vehicle at the time of inspection by the certified mechanic who performs the inspection; and

(B) correspond to the certificate of inspection by displaying the month and year of the inspection and the certificate number; and

(4) may not replace the vehicle registration requirements of this chapter.

(b) An implementing agency shall

(1) hold each certified station accountable for all windshield stickers, license plate tabs, or other means of issuing a valid certificate of inspection that were issued to that station by the implementing agency; and

(2) establish procedures in the design document for appropriate enforcement action to be taken against a station for stickers, tabs, or other means of visual identification of a valid certificate of inspection that are missing and cannot be accounted for.

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18 AAC 52.035. I/M PROGRAM ADMINISTERED BY AN IMPLEMENTING AGENCY.

(a) A municipality may not implement or administer an I/M program without department approval. The department will approve a program that

(1) establishes an I/M office that meets the requirements of 18 AAC 52.010(1) and (3)-(9); and

(2) meets the requirements of this section.

(b) An implementing agency shall authorize the issuance of a certificate of inspection for a motor vehicle that passes an I/M program conducted as required by this section. Subject to

department approval, an I/M program may be limited to certain model years and categories if the implementing agency shows

- (1) that the I/M program would be adequate for a cost-effective system; and
- (2) that, notwithstanding the limitation to certain model years and categories, the I/M program would meet or exceed the level of emissions control provided under this chapter.

(c) An implementing agency shall adopt the

- (1) calibration and quality control procedures for test analyzer systems(TAS) and test equipment in 40 C.F.R. 51, Appendix A to Subpart S, as revised as of July 1, 1996, adopted by reference;
- (2) emissions testing procedures in 40 C.F.R. 51, Appendix B to Subpart S, as revised as of July 1, 1996, adopted by reference; and
- (3) TAS and test equipment specifications in 40 C.F.R. 51, Appendix D to Subpart S, as revised as of July 1, 1996, adopted by reference.

(d) To ensure that its I/M program meets or exceeds the performance standard achievable under the model I/M program described in this subsection, the implementing agency shall use a mobile source emission factor computer program as required by 40 C.F.R. 51.352(d), as revised as of July 1, 1996, adopted by reference, to determine the projected emissions level of its I/M program and then compare that level with the performance standard. The performance standard is expressed as the average emissions level in grams of carbon monoxide emitted per mile traveled by all gasoline-fueled mobile sources in an I/M area, calculated using a mobile source emission factor computer program as required by 40 C.F.R. 51.352(d) (1996), adopted by reference. The model I/M program includes the following features:

- (1) centralized testing;
- (2) annual exhaust emissions testing at curb idle of 1968 and later model year light-duty vehicles;
- (3) a 20 percent exhaust emissions failure rate for pre-1981 model year vehicles;
- (4) a zero percent waiver rate among vehicles failing the initial inspection; and
- (5) a 100 percent compliance rate among all vehicles subject to the program.

(e) An implementing agency that is a municipality operating an I/M program shall submit an implementation plan for department approval. The plan must include

- (1)** steps to achieve a program as effective as the model program described in (d) of this section;
- (2)** a program manual that contains specifications and procedures that are at least equivalent to those
 - (A)** required under this chapter, including any program features additional to those features described in the model program described in (d) of this section; and
 - (B)** in the program manual adopted by reference in this chapter, including any program features additional to those features described in the model program described in (d) of this section;
- (3)** written policies and procedures for
 - (A)** certification of mechanics, inspection and repair stations, and equipment, in accordance with 18 AAC 52.095;
 - (B)** achieving maximum compliance of vehicles subject to the program, including vehicles commuting into the I/M area and vehicles operated at federal facilities in the I/M area;
 - (C)** use of replacement parts and engine changes in vehicles subject to the program;
 - (D)** a quality assurance program to review the performance of certified mechanics and stations;
 - (E)** an enforcement program that is at least as stringent as the one described in 18 AAC 52.100, and a quality control program to achieve maximum compliance by motorists;
 - (F)** an enforcement program at least equivalent to that described in 18 AAC 52.105, to ensure mechanic and station compliance with the program;
 - (G)** emissions testing, visual and functional checks of vehicles, and repair of emissions-related defects by certified mechanics and stations;
 - (H)** the collection and analysis of inspection data;
 - (I)** providing assistance, through the documentation of vehicle malfunctions, to motorists who have warranty claims with manufacturers;

(J) the operation of a referee facility to verify and document tests and repairs performed by certified mechanics or stations, and to otherwise carry out the functions described in 18 AAC 52.070; and

(K) providing technical assistance to certified mechanics, the repair industry, and motorists in diagnosing and repairing emissions-related defects; and

(4) verification of adequate funding and personnel to properly administer the program.

(f) A municipality that seeks to implement an I/M program or to amend an I/M program previously approved by the department shall submit to the department for approval an implementation plan and schedule that meet the requirements of (e) of this section. A municipality seeking approval of an implementation plan or an amendment shall submit the proposed plan or amendment to the department at least one year before the proposed implementation date and shall include a schedule for implementing the plan or amendment by the proposed date.

(g) The implementing agency shall ensure that certified mechanics and certified stations meet the requirements of this chapter, and that I/M inspections are performed only by certified mechanics.

(h) An implementing agency shall conduct enforcement, quality assurance, and quality control programs as described in this section to ensure that inspections and repairs are properly performed by certified mechanics and that motorists are in compliance with program requirements.

(i) An implementing agency may allow a certified station to determine whether Parts IV and V of the program manual allow the use of an aftermarket part in an I/M area.

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.037. REPORTING REQUIREMENTS FOR AN I/M PROGRAM ADMINISTERED BY AN IMPLEMENTING AGENCY.

(a) In addition to the annual report described in (c) of this section, an implementing agency shall submit the quarterly report described in (b) of this section to the department by

(1) May 15, for the quarter ending March 30;

(2) August 15, for the quarter ending June 30;

(3) November 15, for the quarter ending September 30; and

(4) February 15, for the quarter ending December 31.

(b) An implementing agency's quarterly report must contain

(1) the raw emissions test data collected from each motor vehicle inspected during the quarter;

(2) a statistical test data report, including

(A) the number and percentage of vehicles receiving each type of waiver described in 18 AAC 52.060;

(B) a list by model year and vehicle type of the number of vehicles tested, as set out in Table 1 of this subparagraph;

Table 1. Vehicle Types	
Vehicle Type	Definition
LDGV	light-duty gasoline-fueled vehicles (passenger cars) not exceeding 8500 lbs. GVWR
HDGV	heavy-duty gasoline-fueled vehicles over 8500 lbs. GVWR (heavier commercial trucks, buses and motorhomes)
LDGT1	light-duty gasoline-fueled trucks not exceeding 6000 lbs. GVWR (lighter pick-up trucks and vans)
LDGT2	light-duty gasoline-fueled trucks over 6000 lbs. GVWR and not exceeding 8500 lbs. GVWR (heavier pick-up trucks and vans, and many commercial trucks)

(C) a list, by model year and vehicle type, of the number and percentage of
(i) vehicles that failed an initial emissions test, an initial tailpipe emissions test, and each type of initial emissions control component check;

(ii) initially failed vehicles that failed the first retest for tailpipe emissions;

(iii) initially failed vehicles that received a waiver;

(iv) initially failed vehicles that passed the first or subsequent retest for tailpipe emissions;

(v) initially failed vehicles that passed each emissions control component check on the first or subsequent retest by component; and

- (vi) vehicles with no known final outcome;
 - (D) a list, by model year and test station, of
 - (i) the number of initial tests; and
 - (ii) the initial test failure rate; and
 - (E) the average increase or decrease in vehicle emissions levels after repairs, by model year and vehicle type;
- (3) a quality assurance report, including
- (A) the number of certified stations operating throughout the year, and the number operating for part of the year; for the stations operating throughout the year, the report must include the number of stations that
 - (i) received, or did not receive, an overt performance review;
 - (ii) received, or did not receive, a covert performance review; and
 - (iii) were closed as a result of an overt performance review;
 - (B) the number of covert performance reviews
 - (i) conducted with a vehicle set to fail the emissions test, one or more visual or functional checks, or both the emissions test and one or more visual or functional checks; and
 - (ii) that resulted in a false pass for the emissions test, for one or more visual or functional checks, or for both the emissions test and one or more visual or functional checks;
 - (C) the number of certified mechanics and stations whose performance reviews resulted in a verbal warning, a written warning, a notice of violation, a citation, a fine or other penalty, or a suspended or revoked certification, or that resulted in the mechanic being suspended or fired, or in the mechanic or station being prohibited from performing a repair or inspection under this chapter;
 - (D) the number of mechanics who, at the end of the quarter, are certified to conduct testing on motor vehicles that are principally located or operated in the area for which the implementing agency is operating an I/M program, including the number of mechanics who
 - (i) received, or did not receive, an overt performance review;

- (ii) received, or did not receive, a covert performance review;
 - (E) the number of administrative hearings conducted by the implementing agency to consider an action against a certified mechanic or station, and the result of each hearing;
 - (F) the amount collected in fines from certified mechanics and stations, listed by type of violation; and
 - (G) the number of vehicles used for covert performance reviews during the year;
- (4) a quality control report that lists
- (A) the number of inspection stations and TASs used in the program;
 - (B) the number of equipment reviews, listed by station or TAS;
 - (C) the number and percentage of stations and TASs that failed an equipment review;
 - (D) the number of TASs that were locked out; and
 - (E) the number and percentage of stations and TASs closed as a result of an equipment review; and
- (5) an enforcement report that lists
- (A) an estimate of the number of vehicles subject to the program, including the results of an analysis of the registration database;
 - (B) the percentage of vehicles in compliance, based on a comparison of the number of certificates of inspection issued with the number of subject vehicles; if more than one certificate of inspection was issued to the same audit vehicle, the certificate and vehicle should be counted only once;
 - (C) the number of certificates of inspection issued to certified stations by the implementing agency, and the number of certificates that are unaccounted for;
 - (D) the number of waivers granted under 18 AAC 52.060(a) and the number of time extensions granted under 18 AAC 52.060(d);
 - (E) the number of compliance surveys, including parking lot surveys, conducted, the number of vehicles surveyed in each survey, and the noncompliance rate found during each survey;

(F) a detailed report on actions taken by the implementing agency, on its own or in cooperation with the department and the division of motor vehicles, to prevent motorists from

(i) falsely registering a vehicle outside the I/M area;

(ii) falsely changing fuel type or weight class on the vehicle registration;

(iii) driving a vehicle in the I/M area from November 1 through March 31 after obtaining a seasonal waiver under 18 AAC 52.060(a)(3) for that vehicle; and

(iv) commuting into the Municipality of Anchorage and failing to comply with this chapter;

(G) the results of any special study of the frequency of the violations listed in (F) of this paragraph;

(H) the total amount of fines imposed by the Alaska Court System or by an implementing agency that is a municipality for

(i) driving with an expired registration or for misrepresenting the motorist's residential address for purposes of vehicle registration; or

(ii) displaying a sticker on a vehicle that lacks a current I/M certificate; and

(I) the number of registration file evaluations, including the number of registrations reviewed and the compliance rate found in each evaluation.

(c) By April 1 each year, each implementing agency shall submit an annual report to the department that describes

(1) any changes made within the one-year reporting period in program design, funding, personnel levels, procedures, regulations, and legal authority, with a detailed evaluation of the impact of each change on program effectiveness;

(2) any program weakness or problem identified within the one-year reporting period and any plans to address each weakness or problem; and

(3) any corrective actions taken and the results of those actions.

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.050 EMISSIONS STANDARDS

(a) For a vehicle to pass an I/M program inspection, it must have emissions levels at or below the standards in this section or 18 AAC 52.055, and must have no missing, modified, disconnected, improperly connected, or defective emissions-related parts identified during a visual or functional check. A motorist whose vehicle has a missing, modified, disconnected, improperly connected, or defective emissions-related part shall repair the vehicle as required under 18 ACC 52.015 and 18 AAC 52.065.

(b) Unless an implementing agency imposes an alternative standard under 18 AAC 52.055, the standards set out in this section, and illustrated in Figure 3 in Part IV, section (g), of the program manual, may not be exceeded in an I/M area.

(c) For LDGV's and LDGT1s defined in Table 1 of 18 AAC 52.037(b), emissions standards are the following, expressed as the percentage of carbon monoxide in the undiluted exhaust:

(1) 1968 to 1971 model years that were factory equipped with engines of

(A) any number of cylinders and factory equipped with air injection systems: 4.0 percent at curb idle and 3.0 percent at 2500 rpm;

(B) any number of cylinders and not factory equipped with air injection systems: 5.0 percent at curb idle and 4.0 percent at 2500 rpm;

(2) 1972 to 1974 model years that were factory equipped with engines of

(A) any number of cylinders and factory equipped with air injection systems: 3.0 percent at curb idle and 2.0 percent at 2500 rpm

(B) any number of cylinders and not factory equipped with air injection systems: 4.0 percent at curb idle and 3.0 percent at 2500 rpm;

(3) 1975 to 1983 model years that were factory equipped with

(A) no catalytic converters: 2.5 percent at both curb idle and 2500 rpm;

(B) oxidation catalysts and air injection systems: 1.5 percent at both curb idle and 2500 rpm;

(C) oxidation catalysts and not factory equipped with air injection systems: 2.0 percent at both curb idle and 2500 rpm; and

(D) three-way catalysts: 1.0 percent at both curb idle and 2500 rpm;

(4) 1984 to 1993 model years: 1.0 percent at both curb idle and 2500 rpm; and

(5) 1994 and new model years: 0.5 percent at both curb idle and 2500 rpm.

(d) For LDGT2s defined in Table 1 of 18 AAC 52.037(b), emissions standards are the following, expressed as the percentage of carbon monoxide in the undiluted exhaust:

- (1)** 1968 to 1972 model years that were factory equipped with engines of
 - (A)** any number of cylinders and factory equipped with air injection systems: 4.0 percent at curb idle and 3.0 percent at 2500 rpm; and
 - (B)** any number of cylinders and not factory equipped with air injection systems: 5.0 percent at curb idle and 4.0 percent at 2500 rpm;
- (2)** 1973 to 1978 model years that were factory equipped with engines of
 - (A)** any number of cylinders and factory equipped with air injection systems: 3.0 percent at curb idle and 2.0 percent at 2500 rpm; and
 - (B)** any number of cylinders and not factory equipped with air injection systems: 4.0 percent at curb idle and 3.0 percent at 2500 rpm;
- (3)** 1979 to 1983 model years that were factory equipped with
 - (A)** no catalytic converters: 2.5 percent at both curb idle and 2500 rpm;
 - (B)** oxidation catalysts and air injection systems: 1.5 percent at both curb idle and 2500 rpm;
 - (C)** oxidation catalyst, and not factory equipped with air injection systems: 2.0 percent at both curb idle and 2500 rpm; and
 - (D)** three-way catalysts: 1.0 percent at both curb idle and 2500 rpm;
- (4)** 1984 to 1993 model years: 1.0 percent at both curb idle and 2500 rpm;
- (5)** 1994 and newer model years: 0.5 percent at both curb idle and 2500 rpm.

(e) For HDGVs defined in Table 1 of 18 AAC 52.037(b), emissions standards to be applied at both curb idle and at 2500 rpm are the following, expressed as the percentage of carbon monoxide in the undiluted exhaust:

- (1)** 1968 to 1973 model years: 5.0 percent;
- (2)** 1974 to 1993 model years: 4.0 percent; and
- (3)** 1994 and newer model years: 0.5 percent.

(f) For LDGVs, LDGT1s, and LDGT2s defined in Table 1 of 18 AAC 52.037(b), emissions standards to be applied at both curb idle and at 2500 rpm are the following concentrations of hydrocarbons in undiluted exhaust.

- (1)** 1968 to 1983 model years: 1,000 parts per million;
- (2)** 1984 to 1993 model years: 750 parts per million; and
- (3)** 1994 and newer model years: 220 parts per million.

(g) For HDGVs defined in Table 1 of 18 AAC 52.037(b), emissions standards to be applied at both curb idle and at 2500 rpm are the following concentrations of hydrocarbons in undiluted exhaust:

- (1)** 1968 to 1993 model years: 1,000 parts per million; and
- (2)** 1994 and newer model years: 220 parts per million

(h) Each rotor of a rotary engine is the equivalent of one cylinder in determining the applicable emissions standards under this section.

(i) Except as provided in 18 AAC 52.015(e) or in (j) of this section, a model years 1975 or newer vehicle equipped with an engine other than the engine originally installed by the manufacturer, or an identical replacement of that engine, must meet the following requirements to qualify for a certificate of inspection under this chapter:

- (1)** the resulting engine-chassis configuration must have been certified by either the EPA or the California Air Resources Board (CARB) as having emissions that are the same as, or lower than, the original equipment engine-chassis configuration installed in the vehicle;
- (2)** the emissions controls that were originally installed on the resulting engine-chassis configuration, as certified by EPA or CARB, must be retained on the vehicle;
- (3)** if the vehicle was originally equipped with one or more catalytic converters, the retrofitted vehicle must be equipped with either the catalytic converter certified by EPA or CARB for the resulting engine-chassis configuration or a replacement catalytic converter approved by the implementing agency; and
- (4)** if the vehicle was originally equipped with feedback controls and an evaporative emissions control system, the system must remain functional on the retrofitted vehicle.

(j) Instead of meeting the requirements of (i) of this section, the motorist may submit the results of an emissions test performed on a retrofitted vehicle using the federal test procedure (FTP) or an alternate loaded mode mass emissions test procedure approved by the department. The

implementing agency shall issue a certificate of inspection after submittal of adequate proof that the retrofitted vehicle has a mass emissions rate that is the same as, or lower than, the engine-chassis configuration originally installed in the vehicle.

Editor's notes - Listings of EPA-approved engine-chassis combinations are set out in a publication entitled *Federal Certification Test Results for 19__ [the publication is model-year specific] Model Year* for each vehicle model year of interest, and may be purchased from the United States Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, telephone (703) 487-4600, (703) 487-4650, or (800) 553-6847 (sales).

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.055. ALTERNATIVE REQUIREMENTS, STANDARDS, AND TEST PROCEDURES.

(a) The department will, in its discretion, approve alternative requirements, standards, and test procedures to those specified in this chapter.

(b) Subject to department approval, instead of the standards set in 18 AAC 52.050, an implementing agency may establish alternative

(1) tailpipe emissions standards, including mass emissions standards;

(2) steady-state or transient loaded mode test procedures for all or a portion of the vehicles subject to the I/M program; and

(3) procedures to certify compliance of vehicles with replacement engines and of other noncomplying vehicles, if those procedures include emissions standards for those vehicles while they are operated in a loaded mode.

(c) At least one year before establishing an alternative standard or procedure under this section, an implementing agency shall provide to the department proof that

(1) control of vehicle emissions under the alternative standard or procedure will meet or exceed the level of emissions control required by this chapter; and

(2) the alternative standard or procedure will not result in failure of more than two percent of properly constructed and maintained vehicles in any category of vehicles subject to this chapter to meet the alternative standard or procedure.

(d) An implementing agency may allow a certified mechanic or station to fast-fail a vehicle due to a visual inspection or functional test failure without conducting a complete I/M test on the vehicle if the implementing agency adopts adequate procedures to record and monitor each failure. The implementing agency shall ensure that, if a vehicle is fast-failed because of a visual

or functional failure, the certified mechanic inspects all items subject to visual and functional inspection under the program manual, and records the results of the inspection.

State effective: 1/1/97; EPA effective: 2/28/00

18 AAC 52.060. WAIVERS.

(a) Any person may seek a waiver from passing an I/M program inspection, except that no waiver may be issued to a vehicle that is untestable due to a correctable defect, including those listed in 18 AAC 52.530(d). The motorist shall repair a correctable defect before the I/M test will be completed. Except as provided in this subsection, the implementing agency or its contractor may grant a waiver if the person proves to the implementing agency or its contractor that

(1) a certified mechanic at a certified station has attempted to repair a failed vehicle, has made the repairs required by 18 AAC 52.065(a) or (b), and the vehicle failed a retest performed after completion of the required repairs; a waiver issued under this paragraph is valid for one inspection cycle;

(2) the vehicle has a diesel engine; a waiver issued under this paragraph is valid until the vehicle is sold or the diesel engine is replaced with a non-diesel engine; the motorist need not renew a waiver issued under this paragraph, but shall present it to the division of motor vehicles when the vehicle is first registered after becoming subject to this chapter or if the title to the vehicle is changed;

(3) the vehicle qualifies for a seasonal waiver; a waiver issued under this paragraph is valid for one inspection cycle; the implementing agency may issue a seasonal waiver if the motorist certifies in writing that the vehicle will not be operated from November 1 through March 31 in an I/M area, a nonattainment area, or a maintenance area; the written statement must appear on a waiver form that bears a notice to the motorist that

(A) a false statement is punishable by law; and

(B) if, between November 1 and March 31, the vehicle is either operated or parked on a public right-of-way, on public land, or on commercial premises open to the public in an I/M area, a nonattainment area, or a maintenance area, the seasonal waiver immediately becomes void, and the implementing agency will not approve another seasonal waiver for that vehicle or any other vehicle owned by the motorist, except for good cause; a subsequent owner of a vehicle with a void seasonal waiver shall provide a current certificate of inspection to the implementing agency before that vehicle will be eligible for a future seasonal waiver;

(4) special circumstances exist that make it impractical to test the vehicle; a waiver issued under this paragraph is valid for one inspection cycle;

(5) the vehicle would not be expected to achieve emissions reductions after full repair of the vehicle to manufacturer's specifications for reasons such as pattern failure; a waiver issued under this paragraph is valid for one inspection cycle;

(6) the vehicle has been modified to use only compressed natural gas (CNG), methanol, or liquefied petroleum gas, and

(A) no emissions control device, other than the thermostatically controlled air cleaner inlet or the evaporative emissions control system, has been disconnected or removed from the vehicle;

(B) emissions test data are available indicating that the vehicle has an idle and parked throttle air-fuel ratio that is not richer than stoichiometric; and

(C) the vehicle is not a dual-fuel vehicle; a waiver issued under this paragraph is valid until the vehicle is sold or is modified to use other than natural gas, methanol, or liquefied petroleum gas;

(7) the vehicle is registered in, but not located or operated in, an I/M area, a nonattainment area, or a maintenance area; a waiver issued under this paragraph is valid for one inspection cycle unless the vehicle returns to an I/M area, a nonattainment area, or a maintenance area, at which time the waiver is void, and the vehicle must be inspected; to qualify for a waiver under this paragraph, the motorist shall submit to the implementing agency

(A) an application, signed by the motorist;

(B) adequate proof that the vehicle is located or operated outside, and not in, an I/M area, a nonattainment area, or a maintenance area; and

(C) a copy of a current certificate of inspection issued in the area where the vehicle is located or operated, if an inspection is required in that area; a written statement must appear on the waiver form that bears a notice to the motorist that

(i) a false statement is punishable by law; and

(ii) if the vehicle is located or operated in the I/M area, a nonattainment area, or a maintenance area after the waiver is issued under this paragraph, the waiver immediately becomes void, and the implementing agency will not approve another waiver for that motorist under this paragraph; a subsequent owner of a vehicle with a waiver voided under this clause shall provide a current certificate of inspection to the implementing agency before the vehicle will be eligible for a future waiver under this paragraph; and

(8) a certified mechanic has determined as part of an I/M test performed under 18 AAC 52.540(a) that the vehicle cannot be repaired because the parts necessary for repair are unavailable; a waiver issued under this paragraph is valid for one inspection cycle.

(b) Before issuing a waiver under (a)(1) of this section, the implementing agency or its contractor shall

(1) verify that the cost of repairs meets or exceeds the repair cost minimum; and

(2) require the owner of a vehicle subjected to an unauthorized or illegal modification before July 1, 1985, to submit proof that cost of repairs meets or exceeds the repair cost minimum for each inspection cycle; and

(3) establish a method to monitor the vehicle until it meets I/M program requirements.

~~**(c)** Repealed 1/1/97.~~

(d) The implementing agency may grant a motorist a time extension not to exceed one inspection cycle to obtain needed repairs on a vehicle in the case of

(1) economic hardship when waiver requirements are not met; the implementing agency may grant only one time extension under this paragraph and shall revoke the extension if it is determined that the motorist no longer qualifies for an extension under this paragraph; the implementing agency may grant an economic hardship extension only if the motorist proves that

(A) the motorist's adjusted gross income, as computed for the preceding year and reported to the United States Department of the Treasury, Internal Revenue Service (IRS), is at or below the poverty level as determined under the poverty guidelines for Alaska published at 62 Fed. Reg. 10,856 – 10,859 (March 10, 1997), adopted by reference in this chapter; for a time extension under this paragraph, the motorist shall submit a copy of the motorist's federal income tax return filed for the year preceding the extension request; or

(B) unusual circumstances exist such as health problems or other extraordinary expenses; for a time extension under this paragraph, the motorist shall submit

(i) a copy of the motorist's income tax return filed with the IRS for the year preceding the extension request, but the motorist is not required to comply with the requirement of this clause if the IRS did not require the motorist to file a return;

(ii) a budget sheet that details current income, assets, and liabilities;

(iii) vehicle registration documentation; and

(iv) documentation of the extraordinary expenses, such as medical bills, that support the claim of unusual circumstances; or

~~(2) Repealed 1/1/98.~~

~~(c) Repealed 1/1/97.~~

(f) Except for a waiver issued under (a)(2) or (a)(6), or an extension under (d)(1) of this section, a motorist may apply to the implementing agency for a new waiver each year that the vehicle qualifies for a waiver under this section.

Editor's notes - A copy of the federal poverty guidelines referred to in this section may be obtained from an implementing agency or from the department. The Federal Register is usually available at either state and court libraries, or on the Internet.

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.065 EMISSIONS - RELATED REPAIR COST MINIMUM

(a) Unless provided otherwise in this section, a motorist who is subject to 18 ACC 52.005(c) shall complete necessary emissions-related repairs as required in (d) of this section. If the cost of completing all repairs exceeds \$450, the motorist shall complete those repairs for each inspection cycle with a total cost of no less than \$450. If the total cost of all repairs is less than \$450, the motorist shall complete all repairs. If a certified mechanic determines under 18 AAC 52.540(a) that parts are unavailable for one or more repairs, the motorist shall complete those repairs for which all parts are available up to \$450. If all repairs have been made except one for which parts are unavailable, the motorist shall apply for an unavailable parts waiver as described in 18 AAC 52.060(a)(8). The cost of repairs performed by a person who is not certified under this chapter or the cost of a repair necessary to correct a safety problem may not be applied toward the repair cost minimum.

(b) Except as provided in (c) or (e) of this section, if an unauthorized or illegal modification was made to a vehicle before July 1, 1985, the motorist shall

(1) provide proof to the implementing agency's satisfaction that the unauthorized or illegal modification occurred before July 1, 1985; and

(2) complete all necessary emissions-related repairs as required in (d) of this section to correct the unauthorized or illegal modifications; if the cost of completing all repairs exceeds \$500; the motorist shall complete those repairs for each inspection cycle with a total cost of no less than \$500; if the total cost of all repairs is less than \$500, the motorist shall complete all repairs; the cost of repairs performed by a person who is not certified under this chapter, the cost of repairs that do not correct an unauthorized or illegal modification, and the cost of repairs necessary to correct a safety problem may not be applied toward the repair cost minimum.

(c) The motorist shall complete all repairs necessary to comply with this chapter, regardless of cost, if

- (1) the vehicle was subjected to an unauthorized or illegal modification after June 30, 1985;
- (2) the vehicle is owned or leased by a fleet operator; or
- (3) a manufacturer's warranty or an insurance claim will compensate the owner for the repair.

(d) The motorist shall complete repairs that eliminate any visual or functional defect identified on the vehicle inspection report (VIR). A partial repair may not be applied to the repair cost minimum.

(e) An implementing agency may, with department approval, establish an alternate repair cost minimum if the implementing agency can demonstrate that the alternate minimum will result in the issuance of an equal or lesser number of repair cost waivers.

Editor's notes - 18 AAC 52.065 took effect 2/1/94 as an emergency regulation. Due to technical corrections made by the regulations attorney in reviewing the "permanent" regulation for filing, the permanent regulation as it was published in Register 130, July 1994, differed from the emergency regulation even though the section's history note did not reflect an amendment to that section.

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.070. REFEREE FACILITY.

(a) Each implementing agency or its contractor shall maintain and operate a referee facility to carry out the functions described in this section.

(b) The implementing agency shall ensure that the referee facility is equipped with instrumentation and other equipment and supplies necessary to determine whether a vehicle passes or fails an inspection test performed under this chapter.

(c) Subject to the implementing agency's approval, the referee facility may charge an inspection fee to inspect a vehicle not previously tested. If a vehicle passes an inspection performed at the referee facility, the referee facility may collect a fee for the certificate of inspection. A referee facility may not charge for an I/M test if the motorist has already paid for an I/M test and has a complete vehicle inspection report (VIR) showing a completed I/M test at a certified station within the past 90 days. If the vehicle fails the inspection and does not meet the requirements for a repair cost waiver under 18 AAC 52.060(a)(1), the referee facility may provide the motorist with a required-repair form that describes the repairs that must be made. The motorist shall make the repairs described on the required-repair form within 60 days. If the motorist disputes

the results of a failing inspection performed by the referee facility, the referee facility may perform additional functional tests to verify the reason for failure.

(d) If directed by the implementing agency, the referee facility shall

- (1)** verify and document inspection failure as described in 18 AAC 52.015(d);
- (2)** determine whether a waiver should be issued under 18 AAC 52.060;
- (3)** confirm the results of tests and repairs performed by a certified mechanic or station if a motorist disputes the work of the mechanic or station;
- (4)** inspect vehicles that have been rejected from testing at a certified station because of engine or fuel changes;
- (5)** provide assistance in monitoring certified stations and mechanics under 18 AAC 52.440;
- (6)** test a vehicle and determine the correct procedure to follow for repairs after a vehicle has received an initial I/M test ("I" test), I/M-related repairs, and an after-repairs test ("A" test) at a certified station, and still fails; if the vehicle passes the initial test, a further I/M test is not required in that inspection cycle unless the ownership of the vehicle is transferred as provided in AS 28.10.271(d);
- (7)** perform an I/M test if a technical problem prevents a certified station from performing a standard test;
- (8)** evaluate a catalytic converter for efficiency after the vehicle fails the tailpipe test and no other faults are found;
- (9)** test a vehicle that has had an engine change if the vehicle has not been tagged by the referee facility with an underhood label containing instructions for properly testing the vehicle;
- (10)** evaluate a vehicle that fails the "I" test if the certified station refuses to perform repairs because the mechanic determines that the repairs would be ineffective and emissions would not be reduced;
- (11)** evaluate grey market vehicles as provided in 18 AAC 52.080;
- (12)** test vehicles referred by an I/M field inspector;
- (13)** evaluate vehicles less than five years old with less than 50,000 miles that fail an "I" test and exhibit no indication of tampering;

(14) evaluate vehicles assembled by a person who is not an automobile manufacturer; and

(15) provide other services as directed by the implementing agency.

(e) The referee facility shall make appointments only when instructed to do so by the I/M office. A person referred to the referee facility shall bring with him or her the vehicle, the vehicle registration, a completed, legible referee referral form, and any additional documentation required by (1) - (22) of this subsection for each type of referral, as follows:

(1) **Alternate Fueled-Vehicle Inspection** - no other documentation is required;

(2) **Catalytic Converter Evaluation** - a failing "I" test VIR, an itemized estimate, and a work order or invoice;

(3) **Repair Cost Waiver** - a failing "I" test VIR, an itemized estimate, and a work order or invoice;

(4) **Motorist Complaint that Station is Unable to Resolve/Vehicle Tested** - a failing "I" test VIR, an itemized estimate, and a work order or invoice;

(5) **Motorist Complaint that Station is Unable to Resolve/Vehicle Not Tested** - no other documentation is required;

(6) **Review of Disputed Test or Inspection** - a passing or failing "I" test VIR, an itemized estimate if the test was failed, and a work order or invoice;

(7) **Dual Exhaust or Headers** - an "I" test VIR, an itemized estimate, and a work order or invoice;

(8) **Engine Changes** - no other documentation is required;

(9) **Failed Vehicle after "I" Test, Repairs and "A" Test** - a failing "I" test VIR, a failed "A" test VIR, an itemized estimate, and a work order or invoice;

(10) **Failed Vehicle with Increased Emissions after "I" Test, Repairs and "A" Test** - a failing "I" test VIR, a failed "A" test VIR, an itemized estimate, and a work order or invoice;

(11) **Failed Vehicle with Increased Emissions after "I" Test, Repairs and "A" Test, Referred for Verification of Proper Repairs** - a failing "I" test VIR, a failed "A" test VIR, an itemized estimate, and a work order or invoice;

(12) Failed Vehicle/Mechanic Refuses to Repair Because Repairs will Not Reduce Emissions - a failing "I" test VIR, a failed "A" test VIR, an itemized estimate, and a work order or invoice;

(13) Grey Market Vehicles - no other documentation is required;

(14) I/M Inspector Request - any appropriate I/M documentation provided by the I/M inspector;

(15) Motorhomes with Nonconforming Engine Changes - no other documentation is required;

(16) Parts On Order - a failing "I" test VIR, an itemized estimate of repairs, an itemized work order or invoice showing full payment in advance for all parts and labor, and a "parts on order" form, fully and legibly completed;

(17) Unavailable Parts - proof provided by the certified mechanic who performed the test that the required parts are unavailable, including

(A) a failing "I" test VIR;

(B) an itemized estimate of repairs; and

(C) an itemized work order or invoice that

(i) identifies each unavailable part by its full name and part number, if known;

(ii) confirms that a part is no longer available locally or by order;

(iii) provides the name of each parts supplier contacted, which must include a minimum of three, one of which must be the vehicle dealer; and

(iv) the name of each person spoken to at each part supplier;

(18) Excessive Sample Dilution - an aborted "I" test VIR that shows excessive sample dilution, and a work order or invoice;

(19) Incompatibility/Technical Problem - an aborted "I" test VIR if produced, and a work order or invoice;

(20) Twin Air Pump Vehicle that Failed the Tailpipe Test - a failing "I" test VIR;

(21) Vehicle Assembled by a Private Party (Kit Car) - no other documentation is required; and

(22) Warranty Verification - a failing "I" test VIR.

(f) A certified mechanic shall perform the repairs listed on the required-repair form provided by the referee facility under (c) of this section. If the repairs cannot be completed for less than the repair cost minimum, or if parts are unavailable for one or more required repairs, the mechanic shall contact the referee facility before proceeding. The mechanic may not proceed with any repair until all of the required parts are present for that repair and the cost to the motorist is established. If the certified station agrees to perform the after-repair test and issue a certificate of inspection, the mechanic shall sign the required repair form certifying that all required repairs were properly performed. The certified station may not charge for the after-repair test. A certified station may not issue a certificate of inspection for a vehicle subject to a referee-required repair form without approval from the referee facility. After all referee-required repairs have been performed, the certified station shall contact the referee facility for further instructions.

(g) An implementing agency may establish alternative procedures to those set out in this section, with department approval.

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.080. GREY MARKET VEHICLES.

(a) Except as otherwise provided in this section, the department will, and the implementing agency or referee facility may,

(1) inspect a grey market vehicle in accordance with importation documents issued by EPA or the manufacturer's emissions decal; and

(2) issue a certificate of inspection if the vehicle passes the visual and functional inspections and the tailpipe emissions standards as required by Part IV of the program manual.

(b) If the importation documents and the manufacturer's emissions decal are not available, but the grey market vehicle has a United States title and has not been modified to comply with EPA emissions requirements, the department will, and the implementing agency or referee facility may

(1) inspect the vehicle according to the model year of the vehicle and the emissions control systems present on the vehicle at manufacture; and

(2) issue a certificate of inspection if the vehicle passes the tailpipe emissions standards as required by Part IV of the program manual.

(c) If the importation documents or the manufacturer's emissions decal are not available, but the grey market vehicle has a United States title and has been modified to comply with EPA

emissions requirements, the department will, and the implementing agency or referee facility may

- (1) inspect the vehicle according to the model year of the vehicle and the emissions control systems present on the vehicle at inspection; and
 - (2) issue a certificate of inspection if the vehicle passes the tailpipe emissions standards as required by Part IV of the program manual.
- (d) If the importation documents or the manufacturer's emissions decal are not available, and the grey market vehicle does not have a United States title, the department will not, and the implementing agency or referee facility may not, inspect the vehicle.
- (e) This section does not relieve a motorist from any duty to obtain importation documents issued by EPA and the United States Department of Transportation.
- (f) The repair cost minimum is the same for a grey market vehicle as it is for a vehicle manufactured in the United States.

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.085 VEHICLE MODIFICATIONS

- (a) Subject to (b) of this section, the referee facility shall, if requested by the motorist, issue a certificate of inspection for a vehicle that has been.
- (1) converted to dual-fuel use if the vehicle meets the emissions standards of 18 AAC 52.050 for the vehicle in its unmodified configuration when tested on each fuel that the vehicle burns; if the vehicle was originally catalyst-equipped, the original catalytic converter, or a replacement approved under this chapter, must still be on the vehicle and functional; or
 - (2) retrofitted with a replacement gasoline engine as described in 18 AAC 52.050(i)
- (b) No engine modification may be made unless the modification, and the parts used for that modification, are included on the list in Part V of the program manual.

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.090. REPAIR OF NONCONFORMING VEHICLES.

- (a) Based upon guidance issued by the implementing agency, the referee facility shall specify repair procedures for a vehicle that does not comply with the requirements of 18 AAC 52.075, 18 AAC 52.080, or 18 AAC 52.085.

(b) For a grey market vehicle, the implementing agency may require the repair of defective emissions control components, but motorists are not required to retrofit emissions control components that were not originally installed on the vehicle.

(c) The referee facility shall issue a certificate of inspection when a vehicle has been modified to comply with the requirements of 18 AAC 52.075, 18 AAC 52.080, or 18 AAC 52.085.

Editor's notes - 18 AAC 52.090 took effect 2/1/94 as an emergency regulation. Due to technical corrections made by the regulations attorney in reviewing the "permanent" regulation for filing, the permanent regulation as it was published in Register 130, July 1994, differed from the emergency regulation even though the section's history note did not reflect an amendment to that section.

State effective: 1/1/97; EPA effective: 2/28/00

18 AAC 52.095. MINIMUM CERTIFICATION REQUIREMENTS.

(a) In addition to the other requirements of this chapter, to obtain department approval for an I/M program, an implementing agency shall meet the minimum requirements of this section.

(b) An implementing agency shall adopt training and testing procedures for certifying mechanics to perform I/M tests, repairs, and certification under this chapter. Procedures adopted under this subsection must be at least as stringent as those set out in 18 AAC 52.400 - 18 AAC 52.405.

(c) An implementing agency shall use only training courses for mechanics that have been certified by the department under 18 AAC 52.410.

(d) An implementing agency shall adopt procedures for certifying automotive repair facilities to participate in the I/M program as certified stations. Procedures for certification of stations must be at least as stringent as those set out in 18 AAC 52.415.

(e) An implementing agency shall adopt standards for certifying equipment for use in an I/M program approved under this chapter. Standards for certification of equipment must be at least as stringent as those set out in 18 AAC 52.420.

(f) An implementing agency shall adopt procedures for renewal of certifications issued by the agency. Procedures must be at least as stringent as those set out in 18 AAC 52.425.

(g) An implementing agency shall adopt procedures for monitoring certified mechanics and stations. Procedures must be at least as stringent as those set out in 18 AAC 52.440.

(h) An implementing agency shall adopt procedures for enforcing the I/M program and for revoking or suspending an I/M certification for violations of program requirements or procedures. Procedures adopted under this subsection must be equivalent to those set out in 18

AAC 52.100 and 18 AAC 52.105, including opportunity for notice, response, and an administrative hearing.

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.100. ENFORCEMENT PROCEDURES FOR VIOLATIONS BY MOTORISTS.

(a) To assist an implementing agency, the department will, in its discretion, participate in an enforcement action taken under this section by the implementing agency. The department will, in its discretion, take an enforcement action against a motorist who fails to comply with this chapter, with or without participation of the implementing agency.

(b) The implementing agency shall investigate a claim that a requirement of this chapter has been violated by the owner or lessee of a vehicle subject to this chapter. If the implementing agency finds that a motorist has violated a provision of this chapter or of an I/M program administered under this chapter, the implementing agency may issue a notice of violation, advising that the motorist shall respond within 30 days or risk an enforcement action under (d) of this section.

(c) The implementing agency shall allow a motorist issued a notice of violation 30 days, after receipt of the notice, to provide to the agency proof that

- (1) a vehicle registered outside an I/M area is not principally located or operated in an I/M area or used to commute into the Municipality of Anchorage;
- (2) the vehicle has a current waiver under 18 AAC 52.060; or
- (3) the vehicle has a current certificate of inspection.

(d) If a motorist fails to respond or provide appropriate proof of compliance with this chapter within 30 days after receiving a notice of violation under this section, the implementing agency may take one or more of the following enforcement actions:

- (1) refer the matter for prosecution under AS 46.14.400(j);
- (2) refer the matter for prosecution as a class A misdemeanor under AS 46.03.790; and
- (3) request the division of motor vehicles to revoke the vehicle's registration.

Editor's notes - 18AAC 52.100 took effect 2/1/94 as an emergency regulation. Due to technical corrections made by the regulations attorney in reviewing the "permanent" regulation for filing, the permanent regulation as it was published in Register 130, July 1994, differed from the emergency regulation even though the section's history note did not reflect an amendment to that section.

18 AAC 52.105 ENFORCEMENT PROCEDURES FOR VIOLATIONS BY CERTIFIED MECHANICS OR STATIONS

- (a) A certified station is legally accountable for an act or omission of an employee in violation of this chapter. A violation of this chapter may result in a civil or criminal action against the station. The implementing agency may refuse future certification of a station that was subject to an enforcement action under this section. To assist an implementing agency, the department will, in its discretion, participate in an enforcement action taken under this section by an implementing agency. The department will, in its discretion, take an enforcement action necessary to ensure compliance with this chapter, including a covert performance review, with or without participation of the implementing agency.
- (b) The implementing agency shall, on its own initiative, or in its discretion in response to a complaint, investigate an alleged violation of this chapter by a certified mechanic or station or by an employee, partner, officer, or member of a certified station.
- (c) A complaint against a certified mechanic or station must clearly identify the nature and extent of the alleged violation.
- (d) The implementing agency may use an overt or covert performance review of a certified mechanic or station in an investigation under this section.
- (e) If an investigation reveals that a mechanic or station has engaged in conduct that may warrant suspension, revocation, or refusal to renew certification issued under this chapter, the implementing agency shall issue a notice of violation and provide an opportunity for response within 10 days after receipt of the notice. Conduct that may warrant suspension, revocation, or refusal to renew certification includes the following:
- (1) an act or omission by an owner, operator, or employee that causes a certified mechanic or station to be in violation of any applicable requirement of this chapter or the program manual;
 - (2) negligently providing incorrect or misleading information to the public regarding the requirements of this chapter;
 - (3) causing or allowing a motorist to sign a work order that does not
 - (A) include the vehicle owner's name and address;
 - (B) identify the vehicle by make, model, and model year;
 - (C) list all I/M-related work authorized by the motorist; and

- (D) include the vehicle's odometer reading at the time of repair;
- (4) failing or refusing to give a motorist a signed copy of any document requiring the motorist's signature.
- (5) engaging in conduct that constitutes fraud or gross negligence;
- (6) failing to follow the inspection and repair procedures specified by the manufacturer or required by this chapter or the program manual;
- (7) willfully departing from or disregarding accepted trade standards for good and workmanlike repair in any material respect, in a manner that is prejudicial to another without the motorist's consent or the consent of the motorist's authorized representative;
- (8) making false promises of a character likely to influence, persuade, or induce a motorist to authorize the repair, service, or maintenance of a motor vehicle;
- (9) entering false data into a test analyzer system;
- (10) performing or allowing an unrequired repair that is represented to the motorist as being required to remedy the cause of an inspection failure or obtain a certificate of inspection;
- (11) performing or allowing an unrequired repair that is represented to the motorist as being required for the vehicle to obtain a certified of inspection;
- (12) adjusting or modifying a vehicle subject to this chapter in a manner that would cause the vehicle to fail an I/M test; this conduct is prohibited regardless of when the vehicle is scheduled for an I/M test;
- (13) charging for performing an unrequired I/M test that is represented to the motorist as being required;
- (14) failing to maintain the confidentiality of a mechanic's access code for the test analyzer system;
- (15) allowing I/M-related repair work to be done by someone other than a certified mechanic without the motorist's consent;
- (16) performing I/M repairs, or performing an after-repair test on a vehicle described in 18 AAC 52.530(b) on which the certified station has not first performed an initial I/M test;
- (17) testing a vehicle that is exempt from the requirements of this chapter under 18 AAC 52.005(f) or that is listed in 18 AAC 52.530(c);

(18) making a partial repair as described in 18 AAC 52.065(d) or performing part of the emissions repairs required when there is an unavailability of replacement parts or an inability to correct certain emissions defects because of the limitations of a particular station; the only exception to this paragraph is if the referee facility has confirmed a parts availability problem;

(19) failing to advise the implementing agency of any change in information provided in the application for certification;

(20) charging for the repair of defects covered by a warranty without the motorist's written consent;

(21) entering an "E" code into the test analyzer system when using the repair action categories menu; entry of the "E" code is reserved for the referee facility;

(22) replacing a modified carburetor with an aftermarket or rebuilt carburetor, unless the replacement is certified by the manufacturer, California Air Resources Board, the California Bureau of Automotive Repair, or EPA to meet the same specifications as the original equipment carburetor;

(23) using excessive time to inspect a vehicle during a performance review by the implementing agency; inspection time in excess of 60 minutes is considered excessive for the purposes of this paragraph unless due to circumstances beyond the control of the mechanic or station;

(24) failing to report to the implementing agency any illegal certification or other violation of this chapter; and

(25) performing any type of prescreening.

(f) After opportunity for response under (e) of this section, an implementing agency may, after notice and opportunity for hearing in conformance with the Administrative Procedure Act (AS 44.62), suspend, revoke, or refuse to renew a certification issued under this chapter upon a finding of

(1) repeated or willful violations of the applicable requirements of this chapter;

(2) fraud, deceit, or gross negligence; or

(3) a willful violation of program requirements observed during an overt or covert performance review.

(g) The department will, in its discretion, and an implementing agency may, after continued violation of program requirements, permanently revoke certification under this chapter, after notice and opportunity for hearing. Instead of permanent revocation under this subsection, the

department will in its discretion, file a civil or criminal action against a certified mechanic or station under AS 46.03.760 or 46.03.790.

(h) A mechanic or station whose certification is suspended or revoked under this section shall immediately surrender the certificate and cease doing business as a certified mechanic or station. The station may not advertise in any way that it is a certified station and shall surrender all unused certificates of inspection to the implementing agency. The agency shall refund the money paid for the certificates.

(i) Instead of seeking to suspend or revoke certification under this section, the implementing agency may enter into a compliance order by consent that requires the mechanic or station to implement certain measures that, in the agency's judgment, correct the situation. The implementing agency may take action under (e) and (f) of this section after a determination that the mechanic or station failed to implement the measures prescribed in the order under this subsection in an expeditious manner.

(j) If a mechanic or station voluntarily surrenders certification, the implementing agency may investigate the situation to determine whether proceedings under (e) and (f) of this section are appropriate against the mechanic or the station in which the mechanic was working.

(k) If the owner or operator of a certified station has more than one place of business, an action taken by an implementing agency under this section may, for good cause, apply to each place of business in addition to the place of business that violated a provision of this chapter.

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52 Article 4. Certification Requirements

18 AAC 52.400. MECHANIC CERTIFICATION.

(a) A mechanic who seeks certification under this chapter shall submit an application to the implementing agency on a form provided by the agency. The implementing agency may issue a certification to a mechanic if that mechanic has

- (1)** at least two years experience in the automotive repair industry, or equivalent educational experience;
- (2)** successfully completed a certified training course in vehicle inspection and repair procedures; for purposes of this paragraph, a "certified training course" is one that has been certified under 18 AAC 52.410; and
- (3)** passed an examination that has been approved under 18 AAC 52.405; for purposes of this paragraph, a passing score is 80 percent or above.

(b) Regularly scheduled examinations shall be held at a place and time designated by the implementing agency. The agency shall publish the dates and locations for taking the examination. An applicant who fails the examination may, after at least 30 days, apply for re-examination.

(c) The mechanic competency portion of the examination may be given as a screening or challenge test for competency in the area of emissions control system maintenance and repair. A person who passes the screening test may be certified after passing an abbreviated training course that emphasizes the details of the I/M program requirements and procedures and successfully completing the hands-on proficiency portion of the training course described in (a)(2) of this section.

(d) If a mechanic includes with the application

(1) a certificate of successful completion of a training course certified under 18 AAC 52.410, the implementing agency may waive the competency test described in 18 AAC 52.405(b), and issue certification after the mechanic successfully completes the regulations and the hands-on portions of the examination described in 18 AAC 52.405(a); or

(2) a current certification issued under this chapter by another implementing agency, the implementing agency will not require the mechanic to take a competency test, but will require successful completion of the rules and regulations and the hands-on tests.

(e) Certification under this section is valid for two years and may be renewed under 18 AAC 52.425. The implementing agency may issue a one-year certification to a mechanic who has received the training and passed the tests described in (a)(2) and (3) of this section, but who does not meet the criteria listed in (a)(1) of this section.

(f) A mechanic certified under this section may perform I/M tests and emission-related repairs as described in this chapter and the program manual.

(g) An applicant who requires additional time to complete the examination shall notify the implementing agency at least 10 days in advance so that special testing arrangements can be made. The implementing agency will make appropriate accommodations as required by the Americans with Disabilities Act, including special testing accommodations for persons unable to take the standard examination.

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.405. CERTIFIED MECHANIC EXAMINATIONS.

(a) Only an examination certified under this section may be used for purposes of certifying mechanics under 18 AAC 52.400. To be certified under this section, the examination must consist of

- (1) a comprehensive mechanic competency test described in (b) of this section;
- (2) a written test with a test time of approximately one hour, with the test to cover applicable regulations, the written test may be given to a mechanic only after the mechanic has attended a lecture and a question and answer period of up to eight hours; the written test must cover all requirements of this chapter, with emphasis on certification of mechanics and stations, tailpipe emissions standards, waiver procedures, quality control, program administration, and enforcement; and
- (3) a hands-on proficiency test of approximately 30 minutes duration.

(b) Approximately three hours must be allowed to complete the competency test required by (a)(1) of this section, with approximately the first half-hour for orientation and instructions. At least two and one-half hours must be scheduled for the written competency examination. The competency examination must cover

- (1) basic internal combustion gasoline engine operation;
- (2) fuel systems and emissions control devices; and
- (3) engine diagnosis and test equipment operation.

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.415. I/M STATION CERTIFICATION.

(a) An implementing agency may certify an auto repair facility as a certified station if the facility meets the requirements of 18 AAC 52.500 - 18 AAC 52.550. Separate certification is required for each inspection location. Multiple test bays or inspection lanes at one location require a single certification. Each certification is valid for a single address. A mobile station may not be certified under this chapter.

(b) A person who seeks certification shall submit an application to the implementing agency on a form provided by the implementing agency. The person shall submit a separate application for each inspection location.

(c) The applicant shall include in the application

- (1) the business name under which the station will be operated;
- (2) if the station will be operated as a partnership, each partner's name, address, telephone number, and Alaska driver's license number or the number of the state identification card issued by the division of motor vehicles under AS 18.65.310;

- (3) each officer's name, title, address, and telephone number, if the station will be operated as a corporation; in addition, the application should include the name, address, and telephone number of the corporation's registered agent, and a copy of a board resolution authorizing operation as a certified station;
 - (4) the name of the person supervising each location in the I/M area;
 - (5) the names and certification numbers of all certified mechanics employed by the applicant;
 - (6) all equipment and supplies that the applicant intends to have on premises to meet the requirements of 18 AAC 52.500 - 18 AAC 52.550; and
 - (7) the telephone number of each dedicated line provided for each test analyzer system
- (d) The owner or operator of a certified station shall report any change in the information provided in an application under this section to the implementing agency within 10 days after the change occurs.
- (e) After receipt of a properly completed application, the implementing agency shall determine whether the information submitted is valid and sufficient to warrant certification. The implementing agency may conduct an onsite inspection of the proposed facility to determine whether the necessary equipment is present and in proper operating condition.
- (f) Certification under this section is valid for two years unless

~~(1) Repealed 1/1/98.~~

(2) certification is suspended or revoked under 18 AAC 52.105.

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.420 EQUIPMENT CERTIFICATION

- (a) A manufacturer or distributor of emissions analyzers may apply to the department for certification of that equipment for use under this chapter. A person who seeks certification of equipment for use in Alaska under this chapter shall provide emissions analyzers that are an Alaska version of the "BAR-90" TAS used in California. The TAS must be modified to meet the specifications set out in Part I of the program manual. The application must include
- (1) evidence that the TAS, with software designed for California, is certified by the California Bureau of Automotive Repair (BAR)
 - (2) a sworn statement by the applicant that the BAR has not revoked certification;

- (3) documentation that the BAR-certified TAS has been modified to operate in a manner consistent with the inspection requirements, the TAS use examples, and the emissions standards contained in Part IV of the program manual;
- (4) the specific display prompts and programming of the TAS for which certification is sought as set out in Part I of the program manual;
- (5) two copies of the accreditation submittal package for the version of the TAS approved by BAR under the *BAR 90-Test Analyzer System Specifications* dated June 1989 with updates through October 1991;
- (6) a statement that the TAS has been designed to meet the requirements of Part I of the program manual, and a listing of changes to the BAR-certified software that have been made to meet those requirements;
- (7) an instruction manual for the TAS reflecting all changes to the California version of the manual necessary to achieve consistency with the requirements of Part I of the program manual;
- (8) printed representations of all screen displays that a mechanic might encounter when using the TAS;
- (9) a statement that the applicant will provide or arrange for service, including lock-out correction, and maintenance of the TAS, and a description of the arrangements that have been made to provide that service and maintenance;
- (10) a statement that the applicant warrants that each TAS will be free from defects in materials or workmanship for at least two years and that any defects discovered during that period will be corrected at no expense to the owner of the TAS within two days, excluding Saturdays, Sundays, and holidays, after receiving notification from the owner or from the implementing agency;
- ~~(11) Repealed 1/1/98~~
- (12) a statement that software updates necessary to ensure compliance with revisions made by the implementing agency to the requirements of Part I of the program manual meet the requirements of this chapter and will be made within the following time periods after receiving a notice from the implementing agency that a software update is required:
 - (A) 30 days for changes in tailpipe emissions standards;
 - (B) 45 days for changes in standards categories; and
 - (C) six months for all other changes;

(13) a statement that the applicant will provide a TAS for evaluation by the implementing agency or its designee under (b) of this section, and will pay for the costs, not to exceed \$5,000, of evaluating the TAS for consistency with the requirements of this chapter; and

(14) a statement that the applicant recognizes that successful completion of the evaluation under (b) of this section does not relieve the applicant from the software warranty requirements.

(b) An applicant under this section shall submit a TAS for evaluation by the implementing agency or its designee. The evaluation will involve spot-checking for compliance with the requirements of Part I of the program manual. The applicant will be given the opportunity to correct minor discrepancies without the need for re-evaluation.

(c) The implementing agency shall certify a TAS that meets the requirements of Part I of the program manual and this section.

(d) Annual renewal of certification under 18 ACC 52.425 is required and will be approved upon a determination by the implementing agency that the applicant has complied with any annual software update requirements imposed under this section.

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.425. RENEWAL OF CERTIFICATION.

(a) A person who has received certification under 18 AAC 52.400 - 18 AAC 52.420 shall apply for renewal on a form provided by the implementing agency. An application for renewal must be filed at least 30 but no more than 90 days before certification expires.

(b) Renewal of certification of a training course approved under 18 AAC 52.410 requires revisions to the course to accommodate changes in the I/M program.

(c) A certified mechanic's certification expires on its expiration date unless the mechanic renews certification under this section. To renew an I/M mechanic certification, a mechanic must pass a recertification examination. The mechanic shall bring a renewal application and the mechanic's current certification to the recertification examination. To be recertified, the mechanic must pass a written test and a hands-on proficiency test with a score of 80 percent or higher. The written test must be equivalent to the examination described under 18 AAC 52.405 and must include sections on mechanic competency and I/M program regulations.

(d) The department will, in its discretion, approve an alternate method of recertification in an implementing agency's design document if the implementing agency demonstrates that the alternate method will assure that a mechanic recertified under that method will be qualified to carry out the requirements applicable to certified mechanics under this chapter.

(e) A mechanic may act as a certified mechanic for purposes of this chapter only while holding a valid, current certification. If a mechanic fails to renew the certification before it expires, that mechanic is prohibited from performing any activity requiring certification under this chapter.

(f) The implementing agency may inspect a certified station before renewing the station's certification. An applicant for renewal shall meet all conditions required for initial certification under 18 AAC 52.415. If certification has expired, the applicant for recertification may not perform an I/M test until recertification is approved. It is the owner's or operator's responsibility to know when the certification expires and to complete the renewal process before certification expires.

(g) The implementing agency may refuse to renew certification

(1) if the application is inadequate or inaccurate, or if the applicant has had a certification suspended or revoked under this chapter; or

(2) of a training course if the course is shown to be inadequate to ensure that students will be able to accurately follow repair procedures equivalent to those in Part IV of the program manual.

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.440. MONITORING OF CERTIFIED MECHANICS AND STATIONS.

(a) The implementing agency shall conduct routine performance reviews of certified mechanics and stations and shall send vehicles used for overt and covert performance reviews through a certified station to determine whether proper inspections and repairs are being performed. The implementing agency may

(1) perform other inspections, conduct quality control checks, and otherwise monitor mechanic and station performance; and

(2) contract for the analysis of data received from certified stations, and for other assistance.

(b) The implementing agency may direct its referee facility to

(1) alter a vehicle's emissions control system for the purposes of creating an intentional emissions problem that should be readily identifiable by a certified mechanic or station during an overt or covert performance review of the mechanic or station;

(2) verify and document any alteration made under (1) of this subsection, including the status of the vehicle's emissions control system and emissions levels, before the vehicle is taken to the certified station for the performance review; and

(3) determine the results of emissions repairs made on a documented vehicle at the certified station.

(c) After the overt or covert performance review, the implementing agency shall give the certified station a copy of the description of any alteration made by the referee facility under (b)(1) of this section.

(d) A certified station may not charge for an overt performance review conducted under this chapter.

(e) The owner, operator, or an employee of the station shall allow a representative of the implementing agency to

(1) have immediate access to the station during normal business hours;

(2) observe all activities related to I/M testing and repair of vehicles under this chapter; and

(3) have reasonable access to records, including certificates, invoices, work orders, VIRs, estimates, and other documents related to the I/M program.

(f) Except when a test or repair using the TAS is in progress, the owner or operator of a certified station, or a certified mechanic, shall provide immediate access to the TAS so that a representative of the implementing agency may perform any check, reprogramming, disk change, or other system-related inspection, modification, or service. If a test or repair is in progress, the owner, operator, or mechanic shall provide access to the TAS when the test or repair is completed, or within one hour of the request for access, whichever first occurs.

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52 Article 5. Certified Station Requirements

18 AAC 52.500. GENERAL OPERATING REQUIREMENTS.

(a) No person may post a sign or otherwise advertise a facility as a certified station or solicit or offer to perform an I/M test if that person or business is not certified under this chapter. The owner or operator of a certified station shall employ only certified mechanics to perform emissions repairs and inspections required under this chapter. The owner or operator shall ensure that all equipment is properly maintained and calibrated and that any repair or inspection subject to this chapter is done as required by the vehicle manufacturer, this chapter, and the program manual, including

(1) ensuring that each TAS has been certified under 18 AAC 52.420;

- (2) following, and requiring mechanics employed by the station to follow, the testing procedures and meeting the inspection standards set out in Part IV of the program manual; and
 - (3) using only original equipment manufacturer's parts, aftermarket parts that meet original equipment manufacturer specifications, or the aftermarket parts authorized for use in Part V of the program manual.
- (b) The owner or operator shall ensure that a certified station
 - (1) is constructed and equipped to comply with applicable federal, state, and local requirements;
 - (2) is heated and cooled as necessary to
 - (A) maintain the temperature at the operating range specified for the TAS by the TAS manufacturer; and
 - (B) prevent excessive temperature fluctuations;
 - (3) provides 110-120 volt power for the TAS from an approved source of electricity that
 - (A) supplies a consistent source of electricity; and
 - (B) enables the TAS to meet or exceed the minimum operating requirements for the analyzer;
 - (4) provides adequate ventilation for exhaust gases; and
 - (5) is equipped with a separate telephone line dedicated to each TAS, and which is connected to the TAS at all times.
- (c) The owner or operator shall ensure that I/M tests and other work subject to the requirements of this chapter are performed only at the certified location.
- (d) Upon request, the certified station shall return a replaced part to the motorist after repair work is completed, except a part required to be returned to the manufacturer or distributor under a warranty or exchange arrangement. If a part must be returned to the manufacturer or distributor, the station shall first give the motorist an opportunity to inspect the part.
- (e) Except as otherwise provided in this subsection, if a certified mechanic or station elects not to do further work on a vehicle, the mechanic shall remove, at no cost to the motorist, any parts that were installed, and shall refer the motorist to the referee facility. If the mechanic has properly performed the correct repairs, the station may charge the motorist for the repair, refer

the vehicle to the referee facility, and agree to comply promptly with the decision and instructions of the referee facility.

(f) If a certified station cannot accurately test or competently repair a vehicle, the station shall refer the vehicle to another certified station. If the station refers a vehicle to a noncertified repair facility for I/M-related repairs, the owner or operator of the station must be able to prove to the implementing agency that the motorist was fully informed of all rights, privileges, and advantages that might be lost if repairs were performed at a noncertified facility. A certified station may not refer a vehicle that has failed a fast-fail test to a noncertified facility for I/M-related repairs.

(g) A certified mechanic or station shall inform each motorist that the vehicle must be registered with DMV within 90 days after a certificate of inspection is issued, and that failure to register the vehicle within 90 days will require the motorist to obtain a new certificate of inspection and to pay for another test. If the motorist requests an I/M test for a vehicle with a registration due date more than 90 days in the future, the mechanic or station shall obtain the motorist's signature on an acknowledgment that the motorist was informed of the 90-day limit. The mechanic or station shall secure authorization as follows:

I acknowledge notice that I must register my vehicle with DMV within 90 days after a certificate of inspection is issued, or obtain a new certificate of inspection if I have not registered the vehicle before the 90 days have passed. I understand that I would have to pay to have my vehicle inspected again in order to receive the new certificate.

(signature)

(date)

(h) A certified mechanic shall inform the motorist that emissions defects that are not caused by tampering might be covered by warranty, and that they should take the vehicle to the referee facility or the manufacturer's representative before having repairs performed. The mechanic shall prepare a referee referral form. Unless authorized by the implementing agency, or as provided in (i) of this section, a certified mechanic or station may not refer a motorist directly to a warranty repair facility. A vehicle that may be subject to a warranty must be inspected at the referee facility to determine warranty status, then referred to the appropriate dealer or warranty repair facility. After the repairs are performed, the motorist shall return to the referee facility for an after-repair test and a certificate of inspection. To prevent double charges for an I/M test and to relieve the warranty facility of the necessity of performing free I/M tests, the referee facility may authorize a certified station to issue a certificate of inspection for a vehicle that passes the after-repair test. When I/M repairs are done at facilities authorized to perform warranty service, the owner or operator of that facility shall determine whether I/M repairs are covered by the 5 year/50,000 mile emissions warranty provided by the manufacturer. If a motorist has any question about the veracity of the information received from the warranty repair facility, the motorist should contact the implementing agency.

- (i) A motorist may elect to bypass the referee facility under (h) of this section. The motorist may go directly to the warranty repair facility or may pay to have the repairs performed at a repair facility of the motorist's choice. The implementing agency will not be able to offer assistance if the results are not satisfactory. If the repair facility is a certified station, another initial test, at the motorist's expense, is required on the vehicle before the repair.
- (j) Each certified station shall document to the implementing agency those motorists who are referred to the referee facility for warranty verification. Documentation must be in the following language, signed by the motorist:

I acknowledge that I have been referred to the referee facility by [insert name of person who made the referral].

(signature)

(date)

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.515. INSPECTION CHARGES.

- (a) A certified station shall post in its customer service area a clearly legible sign that states
- (1) the total cost for an I/M test, pass or fail; or
 - (2) the cost for an I/M test and the cost for a certificate of inspection, if the vehicle passes the inspection, with each cost listed separately.
- (b) If different inspection charges are imposed for different vehicles or circumstances, each separate charge must be posted.
- (c) In addition to posting inspection charges, the station shall complete and provide each motorist with a cost quotation for the I/M test and issuance of a certificate of inspection. The quotation must be made by an employee of the station and agreed to by the motorist before an I/M test is conducted.
- (d) The mechanic or station shall ensure that the motorist is
- (1) advised that the
 - (A) inspection cost covers only the inspection of the vehicle and, if the vehicle
 - (i) passes the inspection, the certificate of inspection; or

(ii) fails the inspection, the cost of preparing a written repair estimate except as provided in (e) of this section;

(B) cost of any necessary repairs are not included in the inspection cost; and

(2) given a written itemized repair cost estimate, as described in (e) of this section, if the vehicle fails the inspection, and advised that

(A) another facility may perform the repairs;

(B) an additional inspection fee may be charged if the vehicle is taken to another certified facility for repairs; and

(C) there is no charge for an after-repair test if the repairs are performed at the station that performed the initial test.

(e) Unless the implementing agency provides otherwise, after a failed test, the certified station shall give the motorist a written repair estimate that separately lists the cost of performing the labor and providing the parts for all necessary I/M repair work. A written repair estimate

(1) is not required for a vehicle that is fast-failed under 18 AAC 52.055(d)

(2) may be prepared after preparing an initial estimate for the cost of performing a recognized diagnostic procedure if that procedure is needed to determine the exact repair required; for purposes of this paragraph, "recognized diagnostic procedure" means a procedure listed in a current emissions control repair manual approved by an implementing agency under 18 AAC 52.520(b);

(3) may not be an open-ended estimate;

(4) must state the maximum amount to be charged for each repair or procedure;

(5) must be created by the certified station as part of the I/M test, and the cost of the estimate must be included as part of the cost of the test;

(6) may be based upon the cost of original equipment manufacturer (OEM) parts and repair procedures if the estimate is for repair of a vehicle that is less than five years old and that has been driven less than 50,000 miles;

(7) must reflect the least costly repair procedures available that satisfy the requirements of this chapter if the estimate is for repair of a vehicle that is five years old or older, or that has been driven 50,000 or more miles; the motorist may specify a repair procedure that costs more than the repair procedure specified in the certified station's estimate, but

if the motorist specifies a more costly repair procedure, the cost of the repairs that exceeds the certified station's written repair estimate based on the least costly repair procedure may not be applied to satisfy the repair cost minimum.

(f) No work may be done and no charges may accrue until authorized by the motorist. No charge may be made for work done or parts supplied in excess of the estimate without the motorist's oral or written consent. For an oral consent, a station employee shall enter on the work order or invoice the date, time, name of the person who authorized the additional repairs, telephone number, if any, and a detailed summary of the additional parts, labor, and total additional cost. After completion of repairs, a station employee shall request the motorist to sign a notice and consent form in the following language:

I acknowledge notice and my oral approval of an increase in the original estimated price.

(customer's signature)

(g) The certified station shall include in the written estimate a statement of any specialized automotive repair service that, if required to be done, will be done by another person. The station is responsible for this specialized, subcontracted service in the same manner as if the station or its employees had done it. No service may be done by someone other than the certified station without the motorist's consent. Unless the implementing agency requires otherwise, the station shall obtain the motorist's consent as follows:

I acknowledge notice and approval of the subcontracted inspection and repairs indicated above.

(signature)

(date)

(h) If the motorist's consent for a subcontracted repair is oral, a station employee shall make a notation on the work order of the date, time, name of person authorizing the subcontracted repair, telephone number called, if any, a description of each subcontracted repair to be performed, and the cost of parts and labor for each repair. Unless the implementing agency requires otherwise, after the repair work is completed, the station employee shall request the motorist to sign the following statement:

I acknowledge notice and oral approval of the subcontracted inspection and repairs indicated above.

(signature)

(date)

(i) If the motorist authorizes subcontracted repairs under (g) or (h) of this section, an employee of the certified station shall deliver the vehicle or part to be repaired to the subcontractor and retrieve the vehicle or part after the repairs are completed. The certified station shall then

perform an after-repair I/M test. The owner or operator of the certified station shall pay the subcontractor and the motorist shall pay the certified station for the repair.

(j) A certified station may not charge a fee, and shall give the motorist a work order or invoice marked "no charge," for the following work:

- (1)** an inspection performed by a certified station after repairs have been performed on a vehicle at that station;
- (2)** a fast-fail inspection;
- (3)** an inspection of a vehicle under an overt performance review;
- (4)** an aborted test, unless the test was requested by the customer for purposes other than obtaining a certificate of inspection;
- (5)** an inspection performed when no estimate was provided to the motorist;
- (6)** a second I/M test after the motorist has been referred to the referee facility or to the dealer on a recall advisory;
- (7)** the preparation of a repair estimate;
- (8)** an I/M test on a vehicle that fails the test if the station cannot repair that vehicle within a reasonable period;
- (9)** the repair of defects covered by a warranty unless the repair is requested by the motorist at a facility other than an authorized warranty repair facility;
- (10)** any emissions-related repair made to the vehicle before the initial I/M test, unless allowed by an implementing agency; and
- (11)** any emissions-related repair made to a vehicle with a registration that will expire in less than 90 days unless the vehicle has been inspected and a repair estimate has been prepared.

(k) If the cost quotation issued under this section includes a free or reduced-charge I/M test with the purchase of some other service, the certified station shall provide the motorist with a complete I/M test before providing or charging for the other service. Except as provided in (1) of this section, I/M test may not be a fast-fail inspection. If the vehicle fails, the station shall perform a complete I/M test and provide the motorist with all other required documents before providing or charging for the originally advertised additional service.

(l) A certified station may be operated as a no pass/no pay station, or the station operator may decide not to complete an I/M test because of a safety defect such as one of those listed in 18

AAC 52.530(d). For a no pass/no pay station, a fast-fail option is incorporated into the TAS. To use this option, the station shall first complete the visual and functional portions of the I/M test. If the station decides to fast-fail the I/M test, no charge may be made to the motorist and the test must be performed as required by Part IV, section (f) of the program manual. The motorist must receive a fast-fail VIR and a work order or invoice marked "no charge".

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.520. REQUIRED TOOLS AND EQUIPMENT.

(a) A certified station shall have available for use by its employees, the tools and test equipment necessary to conduct vehicle I/M tests. If a vehicle manufacturer specifies that special tools or testing equipment must be used to perform certain repairs on certain vehicles, the station shall have that equipment, or its equivalent, available when those repairs are performed on those vehicles. The requirements of this subsections do not preclude specialty subcontracted repairs, with the customer's consent.

(b) The owner or operator of a certified station shall keep on the premises a current copy of this chapter, the I/M program manual, updates to the manual, and all other documents required by the implementing agency, and shall make those documents available to the certified mechanics employed by the station. The owner or operator shall maintain a library of current emissions control repair manuals approved by the implementing agency (such as Motor Emission Control Manuals, Chilton Emission Control Manuals, Mitchell Emission Control Manuals, Mitchell Engine Performance Manuals, Mitchell Light Truck and Van Service Manuals, and Mitchell Passenger Car Service Manual (for 1989 only), or a computerized version of these manuals) for use with each imported and domestic passenger car or light-duty truck included in the I/M program.

(c) In addition to the requirements of (a) and (b) of this section, the owner or operator of a certified station shall have onsite all tools and equipment necessary for emissions-related inspections and repairs including, at a minimum, the equipment listed in this subsection for use by certified mechanics for each vehicle make and model that the station repairs. The owner or operator shall keep the equipment operational and well-maintained. The meters, gauges, and other equipment may be furnished either as separate items or as components of a complete system such as an engine analyzer. Equipment requirements include wrenches, socket sets, screwdrivers, thickness gauges, pliers, other tools necessary to perform tuneup-related repairs, and

(1) a TAS and test equipment specifications adopted by the implementing agency under 18 AAC 52.035(c)(3), including approved calibration gases under Part I, section (h), of the program manual and a separate dedicated telephone line connected to each TAS;

(2) a high impedance digital ohmmeter;

(3) a hand-held voltmeter;

- (4) an engine tachometer;
- (5) a hand-operated vacuum pump with pressure gauge;
- (6) an ignition timing light;
- (7) an engine compression test gauge;
- (8) scan tools, supplemental analyzer provision, or detailed reference materials sufficient to allow the extraction and interpretation of computer fault codes from any vehicle equipped with an exhaust oxygen sensor and malfunction indicator light;
- ~~(9) repeated 1/1/97;~~
- (10) a current quick-reference emissions control systems applications guide, located on or near the TAS;
- (11) a dual probe attachment for the TAS;
- (12) a choke checker or equivalent instrument that produces sufficient heat and cold to satisfactorily check the operation of bulb-type intake air heaters;
- (13) a propane enrichment carburetor adjustment kit; and
- (14) any other special tools or equipment mandated or recommended for use by each vehicle manufacturer for each vehicle the station repairs.

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.525. REMOTE STATION OPERATION.

The implementing agency may not certify a mobile test station under this chapter, but may permit I/M tests to be performed at locations not normally used as I/M stations. The implementing agency may issue a remote I/M station certification to an I/M station seeking remote operation capability. A remote station shall, in the implementing agency's discretion, be certified if

- (1) the station provides only I/M tests, with no repairs performed at the remote site;
- (2) the operator currently operates a certified station at a permanent location;
- (3) written notice is provided to the implementing agency at least two working days before any I/M tests are performed at the remote location; notice under this paragraph must include the date, beginning and ending times of operation, location of the remote operation, the mechanic's name and certification number, and the serial number of the TAS;

- (4) the facility where remote operations are to be performed meets the applicable requirements of 18 AAC 52.500 and is open for inspection by the implementing agency when I/M tests are being performed;
- (5) certificates are displayed as required in 18 AAC 52.510 and kept separate from those issued to any other station;
- (6) all records and files are maintained at the permanent station designated in the application;
- (7) field inspectors are granted access to perform overt and covert performance reviews at the remote station, including a review of work orders, VIR records, repair estimates, other I/M documentation, and an inventory of all certificates of inspection issued at the station; if an employee is not available to provide access, the station shall provide the records as soon as the activity that the employee is engaged in is completed, or within one hour, whichever occurs first;
- (8) the manufacturer of the TAS has reviewed the proposed operations and has certified to the implementing agency that the system will perform within design specifications for that system under the type of operation proposed at the remote station, including provisions for overnight storage, minimizing temperature fluctuations between storage and operating environments, transportation procedures, and electrical supply;
- (9) the manufacturer continues to warrant the TAS; and
- (10) applicable requirements of this chapter are met whenever I/M tests are performed by a certified mechanic at the remote station, including the requirements regarding certified mechanics, tools, equipment and reference materials.

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.527. PRESCREENING PROHIBITED.

Prescreening is prohibited. A fast-fail is not considered prescreening for purposes of this chapter.

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.530. PRELIMINARY INSPECTION.

- (a) Unless provided otherwise in this section, and after a motorist accepts a certified station's cost quotation, the station shall inspect all vehicles subject to inspection under this chapter.
- (b) A certified station shall first determine whether a vehicle is subject to this chapter. The owner or operator of the certified station, or a certified mechanic employed by the station shall inform the motorist that an inspection is not required for a vehicle

- (1) that is exempt under 18 AAC 52.005(f);

(2) with a registration renewal date more than 90 days in the future;

~~(3) Repealed 1/1/98; and~~

(4) with a registration renewal due the next year, unless the renewal date is 90 days or less in the future.

(c) Unless the implementing agency provides otherwise, the owner or operator of the station, or a certified mechanic employed by the station, shall refer the following vehicles to the referee facility or the implementing agency for inspection or to verify qualification for a waiver under 18 AAC 52.060:

(1) a diesel-fueled vehicle;

(2) a grey market vehicle;

(3) a vehicle designed or modified to run on an alternate fuel; the referee facility or a certified station that has been approved by the department to test dual-fuel vehicles will inspect a dual-fuel vehicle in this category to ensure that all required equipment is present and operable; the referee facility or a certified station that has been approved by the department to test dual-fuel vehicles will perform one I/M test on the vehicle in the gasoline mode and one I/M test while the vehicle is in the alternate-fuel mode to ensure that tailpipe emission levels that are measured by both tests meet the standards in 18 AAC 52.050; a vehicle using an oxygenated fuel blend approved for use under 18 AAC 53 may be tested at any certified station;

(4) a vehicle equipped with an engine other than the engine originally installed in the vehicle, except that

(A) a vehicle with a label affixed to it by the referee facility may be I/M-tested to the specifications stipulated on the label;

(B) an engine of the same size remanufactured for the correct application is not considered a different engine for purposes of this paragraph, and a vehicle containing such an engine may be I/M-tested; and

~~(C) repealed 1/4/95;~~

(5) a vehicle with its odometer reading obscured or unreadable for any reason, unless the motorist authorizes its repair;

(6) a used vehicle that was purchased from a person engaged in the business of selling used vehicles and that requires a transfer of ownership under AS 45.45.400(a); for a vehicle described in this paragraph, the certified mechanic or station shall refer the motorist to the dealer who sold the vehicle; and

(7) a vehicle that causes the TAS to abort the I/M test if the condition that caused an abort appears to be due to incompatibility between the vehicle and the TAS.

(d) After determining that a vehicle is subject to an I/M test, a certified mechanic or station shall conduct, at no charge to the motorist, a preliminary safety inspection before testing. With the implementing agency's approval, the preliminary inspection may be included as part of the I/M test. The mechanic or station shall reject for testing, or abort the test on, any vehicle found to be unsafe. The following are examples of situations that could preclude proper completion of an inspection or test:

- (1) major oil system leak;
- (2) major transmission leak;
- (3) major coolant system leak;
- (4) fuel system leak;
- (5) excessive exhaust system leak;
- (6) unable to hold steady engine RPM;
- (7) unusual engine noises;
- (8) engine warning light on;
- ~~(9) Repealed 1/1/98; and~~
- (10) any other safety problem on the vehicle that makes the vehicle unsafe for testing.

(e) After determining that a vehicle is subject to an inspection, and that any defect listed in (d) of this section has been repaired as required by 18 ACC 52.060(a), the certified mechanic shall

- (1) perform a complete I/M test
 - (A) as required by this chapter and the program manual; or
 - (B) if requested by the vehicle owner; or
- (2) fast-fail the vehicle in accordance with this chapter and the program manual if the fast-fail is authorized by the implementing agency.

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.535. TEST ABORT CONDITIONS.

(a) If a vehicle becomes untestable during an inspection, the certified mechanic may abort the inspection. The TAS must allow the operator to abort during the data entry or the emissions test. The TAS must request the reason for aborting the inspection and print two copies of any VIR, one of which the mechanic shall give to the motorist. The station shall keep the second copy as required by 18 AAC 52.550.

(b) The station may not charge the motorist for an aborted test unless the customer requests the test for purposes other than obtaining a certificate of inspection.

(c) If the condition that caused an inspection to be aborted appears to be due to the incompatibility of a vehicle and the TAS, the mechanic shall refer the motorist to the referee facility.

Editor's notes. 18 AAC 52.535 took effect 2/1/94 as an emergency regulation. Due to technical corrections made by the regulations attorney in reviewing the "permanent" regulation for filing, the permanent regulation as it was published in Register 130, July 1994, differed from the emergency regulation even though the section's history note did not reflect an amendment to that section.

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.540. OFFICIAL I/M TESTING.

(a) A certified mechanic shall perform official I/M testing as required in Part IV of the program manual. Before providing the motorist with an itemized estimate of repairs, the certified mechanic shall confirm that all parts are available for each repair, subject to the repair cost minimum. A certified mechanic may not begin a repair until all parts for that repair are available at the station. If parts are unavailable for one or more repairs, the certified mechanic shall provide the documentation listed in 18 AAC 52.070(e)(17).

(b) The certified station shall issue a VIR, indicating whether the vehicle passed or failed, to the motorist for each vehicle inspected at that station, including those fast-failed under 18 AAC 52.055(d).

(c) The certified mechanic who conducts the I/M inspection shall

(1) calibrate and maintain each TAS and test equipment in accordance with the calibration and quality control procedures adopted by reference in 18 AAC 52.035(c)(1);

(2) measure the concentration of hydrocarbons, carbon monoxide, carbon dioxide, and oxygen at the tailpipe of a warmed-up vehicle at curb idle and at 2500 rpm in accordance with test procedures adopted by reference in 18 AAC 52.035(c)(2);

(3) use an TAS that meets the specifications adopted by reference in 18 AAC 52.035(c)(3) and install and maintain one telephone line for each analyzer as required in the program manual;

(4) compare measured emissions of carbon monoxide and hydrocarbons to the emissions standards in 18 AAC 52.050 or the alternative standards established under 18 AAC 52.055;

(5) perform visual inspection or functional tests on 1975 and later model vehicles for the presence and proper operation of the following emissions-related parts:

(A) positive crankcase ventilation (PCV) valve;

(B) air injection system;

(C) vacuum hoses and wiring;

(D) catalytic converter;

(E) emissions control system warning lights;

(F) oxygen sensor;

(G) major vacuum leaks;

(H) manifolds and ignition;

(I) intake air heater;

(J) carburetor or fuel injection system;

(K) early fuel evaporation (EFE) system;

(L) exhaust gas recirculation (EGR) system; and

(M) fuel evaporative control system;

(6) test exhaust emissions at curb idle and 2500 rpm of all vehicles subject to the I/M program, as determined by the implementing agency under 18 AAC 52.035(b).

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.545. PARTS ON ORDER.

(a) If, as part of an I/M test performed under 18 AAC 52.540(a), a certified mechanic determines that necessary repairs cannot be made before a vehicle's registration expires, the mechanic or station personnel shall complete an I/M estimate and determine parts availability. If the required parts are available locally, and the certified mechanic can complete the repairs in less than two weeks, the motorist shall have the vehicle repaired and tested before it is certified regardless of the date when the vehicle's registration expires.

(b) If the certified station cannot complete the necessary repairs because required parts must be ordered, the certified station shall provide the motorist with the documentation that the implementing agency requires the motorist to submit to the implementing agency or the referee facility along with the vehicle and the vehicle registration. The implementing agency may require the station to provide the documentation listed in 18 AAC 52.070(e)(16).

(c) If the certified station where the failing I/M test was performed cannot complete the necessary repairs because the required parts must be ordered, the implementing agency or referee facility may issue the motorist a temporary permit allowing the vehicle to be driven while parts are procured. The cost of parts and labor to repair the vehicle must be paid before a temporary permit may be issued under this subsection. A temporary permit may not be issued to a vehicle that is registered with a seasonal-use waiver between November 1 and March 31. A temporary permit issued under this subsection is valid for 30 days.

(d) The certified station shall advise the motorist to keep the information listed in (c) of this section with the vehicle registration and to take the information along with the vehicle to the referee facility for a temporary permit. The referee facility or the implementing agency will monitor the temporary permit until the required parts are available and the required repairs are complete.

(e) A certified station may not perform a partial repair of an emission control system and may begin a repair only when all required parts for that repair are available at the station.

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.546. UNAVAILABLE PARTS.

(a) If, as part of an I/M test performed under 18 AAC 52.540(a), a certified mechanic determines under 18 AAC 52.540(a) that parts are unavailable for one or more repairs, has completed any repair for which all parts are available, and cannot make further repairs to meet the repair cost minimum, the mechanic shall

(1) refer the motorist to the referee station for an unavailable parts waiver under 18 AAC 52.060(a)(8); and

(2) provide the motorist with the documentation listed in 18 AAC 52.070(e)(17).

(b) A referee facility may approve a waiver under this section and issue a certificate of inspection for a vehicle that cannot be repaired because of unavailability of parts after ensuring that the proof submitted under 18 AAC 52.070(e)(17) is adequate and after inspecting the vehicle to verify the need for each repair.

State effective: 1/1/98; EPA effective: 2/28/00

18 AAC 52.990. DEFINITIONS.

In this chapter, unless the context requires otherwise

- (1) **"aftermarket part"** means a part that is not manufactured by the original equipment manufacturer;
- (2) **"after-repair test" or "'A' test"** means an I/M test performed after an I/M repair;
- (3) **"alternate fuel"** means a fuel other than gasoline or diesel fuel used to power a motor vehicle; "alternate fuel" does not include an oxygenated fuel approved for use under 18 AAC 53;
- (4) **"BAR"** means California Bureau of Automotive Repair;
- (5) **"CARB"** means the California Air Resources Board;
- (6) **"centralized inspection program"** means an I/M program under which an I/M test is conducted at a centralized test-only inspection facility operated by the implementing agency or its contractor; only inspections, not repairs, of motor vehicles are permitted at a test-only inspection facility;
- (7) **"certificate of inspection"** means
 - (A) a form issued to a motorist whose vehicle has received a waiver; or
 - (B) a form that
 - (i) is prepared by the implementing agency;
 - (ii) is signed by a certified mechanic who attests that the mechanic has inspected the vehicle and that the vehicle has passed an I/M test; and
- (8) **"certified mechanic"** means a mechanic who has met the applicable requirements of this chapter for certification and who has received certification under this chapter;
- (9) **"certified mechanic or station"** means a certified mechanic or a certified station;

- (10) **"certified station"** means a facility certified under authority of this chapter for the performance of I/M tests and other inspections and repairs subject to this chapter;
- (11) **"commute"** means to travel between a motorist's residence and an I/M area, a nonattainment area, or a maintenance area for purposes of work or school;
- (12) **"compliance rate"** means the number of vehicles that obtain certificates under an I/M program during one year, divided by the estimated number of vehicles that should have been inspected during that year;
- (13) **"covert performance review"** means an investigation conducted by an implementing agency, or its contractor to evaluate the performance of a certified mechanic or station without the knowledge of the mechanic or station;
- (14) **"curb idle"** means the manufacturer's suggested engine operating speed in revolutions per minute when the vehicle transmission is placed in either the neutral or park position and the engine has reached its normal operating temperature;
- (15) **"custom-manufactured vehicle"** means a vehicle that has not been certified by the EPA as meeting federal motor vehicle emissions standards or by CARB as meeting California motor vehicle emissions standards;
- (16) **"decentralized inspection program"** means an I/M program under which a certified mechanic conducts emissions testing at a privately owned and operated certified station;
- (17) **"department"** means the Alaska Department of Environmental Conservation;
- (18) **"documented vehicle"** means a vehicle for which the state of emissions repair has been verified by a referee facility and which is taken to a certified mechanic or station for an overt or covert performance review of the mechanic or station;
- (19) **"dual-fuel vehicle"** means a vehicle that is capable of operating on gasoline as well as on propane or some other alternate fuel;
- (20) **"economic hardship"** means a finding under the authority of this chapter that a person does not have sufficient assets, credit, or other means to pay for an emissions-related repair required by this chapter;
- (21) **"emissions control system"** means any element of either a motor vehicle's air pollution control system or another mechanism of a motor vehicle that affects the vehicle's release of air pollutants into the atmosphere;
- (22) **"emissions-related adjustments"** means idle mixture setting, curb idle speed setting, fast idle speed setting, ignition dwell angle (if applicable), spark advance setting, choke setting, and

any other motor vehicle adjustment that affects a motor vehicle's release of air pollutants into the atmosphere;

(23) "emissions-related part" means a motor vehicle part that affects the vehicle's release of air pollutants into the atmosphere, including

- (A)** fuel metering system components, such as the carburetor or fuel injection system and internal parts, air/fuel ratio feedback and control system including exhaust oxygen sensor, and cold start air/fuel ratio enrichment system;
- (B)** air induction system components, such as the controlled hot air intake system, intake manifold, heat riser valve and assembly, and turbocharger systems;
- (C)** ignition system components, such as the distributor and internal parts, spark advance or retard system, spark plugs, ignition coil or control module, and ignition wires;
- (D)** evaporative control system components, such as the vapor storage canister, vapor-liquid separator, fuel tank and filler cap, positive crankcase ventilation (PCV) system, PCV valve, and oil filler cap;
- (E)** exhaust gas recirculation (EGR) system components, such as the EGR valve body and carburetor spacer, and EGR rate feedback and control system;
- (F)** air injection system components, such as the air pump or air aspirator, valves affecting distribution of air flow, and air distribution manifold;
- (G)** catalyst or thermal reactor system components, such as catalytic converters, thermal reactors, exhaust manifold, and exhaust port liners or double walled exhaust pipe;
- (H)** basic engine parts, such as the camshaft, pistons, and cylinder heads; and
- (I)** miscellaneous items used in the systems listed in (A) - (H) of this paragraph, such as
 - (i)** hoses, clamps, fittings, and tubing;
 - (ii)** sealing gaskets or devices;
 - (iii)** mounting hardware, pulleys, belts, idlers, and electronic controls; and
 - (iv)** vacuum, temperature, and time-sensitive valves and switches;

(24) "emissions-related repair" means a motor vehicle repair that affects the vehicle's emissions and that is made to correct or prevent an automotive exhaust emissions problem;

(25) "EPA" means the United States Environmental Protection Agency;

(26) **"failure rate"** means the rate determined by comparing the annual number of vehicles that fail an initial inspection under this chapter with the annual number of initial inspections;

(27) **"fast-fail"** means an I/M test of a vehicle that does not include a tailpipe emissions measurement and in which the vehicle's failure is based solely on the visual or functional inspection of the vehicle's emission control system that discloses a defect in the system;

(28) **"federal test procedure" or "FTP"** means the emissions testing procedure used by the EPA to certify new motor vehicles to applicable federal emissions standards

(29) **"fleet operator"** means the owner of 10 or more vehicles that are subject to this chapter;

(30) **"grey market vehicle"** means a vehicle manufactured for use outside of, and imported into, the United States;

(31) **"GVWR"** means gross vehicle weight rating;

(32) **"I/M"** means inspection and maintenance;

(33) **"I/M area"** means

(A) an area in the state listed in 18 AAC 52.005(g) where an I/M program is implemented or administered; and

(B) an emissions inspection and maintenance area when ownership of a vehicle is transferred under AS 28.10.271(d);

(34) **"I/M office"** means the office within the department that is responsible for the administration and enforcement of all aspects of the I/M program;

(35) **"I/M program"** means a motor vehicle emissions inspection and maintenance program approved or administered by the department under this chapter, the purposes of which are to determine whether a motor vehicle emissions control system has been properly maintained and to otherwise carry out the requirements of this chapter;

(36) **"I/M repair"** means maintenance of and repair to a motor vehicle performed to meet the requirements of this chapter;

(37) **"I/M test"** means a vehicle emissions inspection, performed at a certified station, which includes a visual and functional inspection of the emissions control system and the measurement of tailpipe emissions concentrations;

(38) **"implementing agency"** means either the department or a municipality that implements an I/M program;

- (39) **"initial inspection" or "I test"** means the first I/M test performed on a vehicle at a certified station in each inspection cycle;
- (40) **"inspection cycle"** means the two-year period between I/M inspections;
- (41) **"kit car" or "vehicle assembled by a private party"** means a vehicle assembled from a kit for the personal use of the motorist who assembles it and that has not been certified by the EPA as meeting federal motor vehicle emissions standards or by CARB as meeting California motor vehicle emissions standards;
- (42) **"lessee"** means a person who enters into either a lease or a lease-purchase agreement for a motor vehicle;
- (43) **"loaded mode"** means a type of emissions test procedure in which a chassis dynamometer subjects a vehicle's engine to an increased load simulating the vehicle's performance under actual operating conditions;
- (44) **"maintenance area"** means an area that has been redesignated by the EPA from a designation of "nonattainment" to a designation of "attainment" and that is subject to a maintenance plan submitted as required by 42 U.S.C. 7505a(a) (commonly referred to as sec. 175A(a), Clean Air Act), as amended through November 26, 1996;
- (45) **"model year"** means the year identified in the vehicle identification number (VIN) located near the windshield on the driver's side of the instrument panel; for 1975 - 1980, the sixth digit of the VIN indicates the model year of the vehicle; for 1981 and newer vehicles, the tenth digit of the VIN indicates the model year; the model year code from the VIN is as follows:
- (A) 1979 - 9;
 - (B) 1980 - A, with each subsequent year assigned the next letter of the alphabet;
- (46) **"motorist"** means
- (A) the owner or lessee of a motor vehicle that is registered in Alaska or that is required to be registered in Alaska;
 - (B) a department, agency, or instrumentality of the federal government; or
 - (C) the owner or lessee of a vehicle registered in another state that is described in 18 AAC 52.005(d), and that is exempt from registration in Alaska under AS 28.10.011 - 28.10.661;
- (47) **"motor vehicle" or "vehicle"** has the meaning given "motor vehicle" in AS 28.40.100;
- (48) **"motor vehicle dealer"** has the meaning given "dealer" in AS 08.66.090;

(49) **"nonattainment area"** means an area that does not meet the national ambient air quality standard for carbon monoxide;

(50) **"nonconforming vehicle"** means a vehicle, including a kit car, that was not certified by the EPA as conforming to applicable federal motor vehicle emissions standards or by CARB as meeting California motor vehicle emission standards;

(51) **"overt performance review"** means an investigation conducted by the implementing agency to evaluate the performance of a certified mechanic or station during which the mechanic or the station owner is told about the investigation;

(52) **"pattern failure"** means a failure of an I/M test by a class of vehicles that is due to certain design characteristics that cause repeated failures of the I/M test and is recognized by the EPA;

(53) **"prescreening"** means to visually or otherwise inspect a vehicle before an I/M test without recording the results of the inspection or submitting those results to the implementing agency;

(54) **"principally located or operated"** means to use, locate, or operate a vehicle, including a leased vehicle, regardless of the place where the vehicle is registered, within an I/M area for more than 30 days during an inspection cycle;

(55) **"program administrator"** means the person in charge of an I/M office;

(56) **"program manual"** means the department publication entitled *Alaska I/M Program Manual*, adopted by reference in 18 AAC 52.005;

(57) **"repair cost minimum"** means the minimum required expenditure to complete necessary emissions-related repairs to a motor vehicle as required by 18 AAC 52.065 for each inspection cycle;

(58) **"repair necessary to correct safety problems"** means a repair

(A) that is required to correct a safety-related defect, such as a fuel system leak, and that, until completed, prevents a vehicle from being safely inspected; or

(B) that, under 18 AAC 52.530(d), requires rejection of a vehicle for testing;

(59) **"residential address"** means,

(A) for a noncommercial vehicle that is owned or leased by a motorist, the address, legal description, or physical description of the motorist's principal place of residence; for purposes of this subparagraph,

(i) "principal place of residence" means the place where the motorist is registered to vote, usually resides, resides the majority of the time, or returns to after periods of temporary absence;

(ii) if the vehicle is jointly owned or leased by motorists or persons having different residential addresses or different principal places of residence, the residential address to be applied to the vehicle is that one residential address that best identifies where the vehicle is principally located or operated; or

(B) for a commercial vehicle that is owned or leased by a motorist in conjunction with a business, the address where the business to which the vehicle is registered is principally located or operated;

(60) "resides in an I/M area" means has a residential address in an I/M area;

(61) "steady-state" means a type of loaded mode emissions test cycle in which the vehicle engine is subjected to a constant dynamometer load;

(62) "stoichiometric" means, as applied to a motor vehicle, the air-to fuel ratio in a vehicle that is necessary to achieve complete fuel combustion; in a motor vehicle, if calculated by the weight of air and fuel, the air-to-fuel ratio should be approximately 14.7:1 (that is, 14.7 pounds of air to one pound of fuel for gasoline that contains neither alcohol nor oxygenate);

(63) "tampering" means

(A) using leaded gasoline in a vehicle originally equipped with a catalytic converter;

(B) failing to maintain a vehicle's emissions control system or emissions-related part according to the manufacturer's specifications, including the failure to maintain a part, the malfunction of which causes an emissions-related part to fail; or

(C) removing, disconnecting, or modifying any emissions control system or emissions-related part

(i) that affects exhaust emissions;

(ii) if the removal, disconnection, or modification of the system or part has not been specifically authorized by either a manufacturer's service bulletin, the program administrator, the EPA, or CARB; or

(iii) that causes the vehicle to differ from its EPA-certified configuration;

(64) "test analyzer system" or "TAS" means the system, including exhaust gas sampling, and analysis equipment and computer control for that equipment, used at a certified station to measure and record vehicle exhaust emissions;

(65) "transient loaded mode" means a type of loaded mode emissions test cycle in which a vehicle engine is subjected to a varying dynamometer load;

(66) "unauthorized or illegal modification" means

(A) tampering;

(B) the use of an aftermarket emissions-related part that is not functionally identical to the original equipment part being replaced; or

(C) the use of any added part or system unless that part or system has been specifically approved for use by EPA, by CARB, or by the implementing agency;

(67) "vehicle inspection report" or "VIR" means the computer-generated results of an I/M test that is given to each motorist whose vehicle is tested under this chapter;

(68) "vehicle type" means the class or category of vehicle, based on gross vehicle weight, or type of fuel used;

(69) "waiver" means a conditional exemption to one or more of the requirements of this chapter;

(70) "waiver rate" means the rate determined by comparing the annual number of vehicles that received repair cost minimum waivers with the annual number of vehicles that failed an initial I/M inspection;

Editor's note: A list of approved parts and systems referred to in this section's definition of "unauthorized or illegal modification" may be found in the State Air Quality Plan, Volume III, adopted by reference in 18 AAC 50. The plan may be reviewed at or obtained from the implementing agency or the department's Anchorage, Fairbanks, or Juneau offices.

State effective: 1/1/98; EPA effective: 2/28/00